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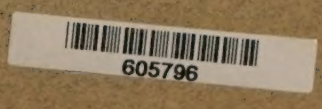
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B I L L S,

PUBLIC:

FOUR VOLUMES.

—*(1.)*—

ACCIDENTS COMPENSATION ACT AMENDMENT

TO

CUSTOMS AND INLAND REVENUE.

Session

4 *February* —— 29 *July* 1864.

VOL. I.

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BILLS:

1864.

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A

BILL

TO

Amend the Act Ninth and Tenth Victoria, Chapter Ninety-three, for compensating the Families of Persons killed by Accident.

WHEREAS by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty's Reign, intituled "An Act for compensating the Families of Persons killed by Accident," it is amongst other things provided, that every such Action as therein mentioned shall be for the Benefit of the Wife, Husband, Parent, and Child of the Person whose Death shall have been so caused as therein mentioned, and shall be brought by and in the Name of the Executor or Administrator of the Person deceased: And whereas it may happen by reason of the Inability or Default of any Person to obtain Probate of the Will or Letters of Administration of the Personal Estate and Effects of the Person deceased, or by reason of the Unwillingness or Neglect of the Executor or Administrator of the Person deceased to bring such Action as aforesaid, that the Person or Persons entitled to the Benefit of the said Act may be deprived thereof; and it is expedient to amend and extend the said Act as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Preamble.

the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where no Action brought within Six Months by Executor of Person killed, then Action may be brought by Persons beneficially interested in Result of Action.

1. If and so often as it shall happen at any Time or Times hereafter in any of the Cases intended and provided for by the said Act, that no such Action as in the said Act mentioned shall within *Six Calendar Months* after the Death of such deceased Person as therein mentioned have been brought by and in the Name of his or her Executor or Administrator, then and in every such Case such Action may at any Time within the Residue of the Period of Twelve Calendar Months after the Death of such deceased Person be brought by and in the Name or Names of all or any of the Persons (if more than One) for whose Benefit such Action would have been, if it had been brought by and in the Name of such Executor or Administrator; and every Action so to be brought shall be for the Benefit of the same Person or Persons, and shall be subject to the same Regulations and Procedure as nearly as may be, as if it were brought by and in the Name of such Executor or Administrator.

This and recited Act to be read as One.

2. And this Act and the said Act shall be read together as One Act,

Accidents Compensation Act Amendment.

A

BILL

To amend the Act Ninth and Tenth Victoria, Chapter Ninety-three, for compensating the Families of Persons killed by Accident.

(*Prepared and brought in by Mr. Ferrand and Colonel Edwards.*)

Ordered, by The House of Commons, *to be Printed*, 10 *June* 1864.

[Bill 143.]

Under 1 *oz.*

Administration of Trusts (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Extension of the Powers of Trustees for Sale; Sect. 1.

Trustees empowered to purchase Lands may apply the Money in Payment of Debts; 2.

Trustees may borrow Money on the Security of Estate purchased under a Power; 3.

Trustees Receipts; 4.

Trustees may apply to the Court by Petition for Authority to sell; 5.

Court may authorize Trustees to grant Feus for building; 6.

Court may grant Authority to borrow; 7.

Trustee desirous of purchasing the Trust Estate may apply to the Court for Permission; 8.

Court may authorize Trustee to enter into Transactions with the Estate; 9.

Extension of the Powers of Trustees in relation to Investments; 10.

Extension of Powers of Trustees of Personal Property; 11.

Court may authorize an Advancement of the Capital of Trust Funds for the Benefit of minor Children; 12.

Exercise of Power of Division not to be liable to challenge as illusory; 13.

Judicial Discharge of Trustees; 14.

Trustees may apply by Petition for Authority to distribute; 15.

Discharge of Trustees resigning during the Subsistence of the Trust; 16.

Trustees may apply by Petition for Directions respecting the Administration of the Trust; 17.

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A

BILL

TO

Facilitate the Administration of Trusts, and to regulate the Powers of Trustees, in Scotland.

Preamble.

WHEREAS it is expedient that certain Powers and Provisions which are now usually inserted in Trust Dispositions and Settlements in Scotland should be made incident to the Office of Trustee, and that greater Facilities should be given for the Exercise of the Jurisdiction of the Court of Session in the Administration of Trust Estates: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of the Powers of Trustees for Sale.

1. In all Cases where by a Disposition or Deed of Settlement of Heritable Property it is declared that Trustees shall have a Power of Sale, either generally or in any particular Event, in relation to any Heritable Property, whether vested in them by such Disposition or Settlement or not, it shall be lawful for such Trustees to exercise such Power of Sale by selling such Property either by public Roup or private Bargain, and either together or in Lots, and either at One or at several Times; and it shall be lawful in such Sales to reserve the Minerals or to sell under Reservation of a Feu Duty or Ground Annual.

Trustees empowered to purchase Lands may apply the Money in Payment of Debts.

2. Trustees empowered or directed to invest Money or the Proceeds of Property appointed to be sold in the Purchase of Heritable Estate, may (with Leave of the Court, to be obtained upon a summary Application, as herein-after provided,) apply the whole or Part of such Money or Proceeds in paying off or redeeming any Debt or Burden affecting Lands which may be destined to the same Series of Heirs, and subject to the same Conditions as are by the Trust Deed made applicable to the Lands directed to be purchased.

Trustees may borrow Money on the Security of Estate purchased under a Power.

3. Trustees empowered or directed to purchase Heritable Estate for the Purpose of executing a Settlement thereof in Terms of the Truster's Directions may, if the Funds at their Disposal are not sufficient for the Purchase of an Estate which is in other respects eligible, borrow as much as may be requisite (not exceeding *One Half* of the Price of the Estate) on the Security of the purchased Estate, and may convey the same in Terms of the Settlement subject to such Heritable Burden.

Trustees Receipts.

4. The bonâ fide Payment to and the Receipt in Writing of any Trustee or Trustees (or of a Quorum of Trustees where there are more than One), to whom any Money shall be payable in the Execution of any Trust, or of their Factor duly authorized, shall effectually discharge the Person paying the same from seeing to the Application of or being answerable for the Loss or Misapplication of such Money.

Trustees may apply to the Court by Petition for Authority to sell.

5. Where, in virtue of any Mortis causâ or Marriage Contract Settlement, Heritable Property shall be vested in Trustees, and no Provision is made by the Settlement for the Sale of such Property, the Trustees may apply by Petition to the Court of Session for Authority to sell the same under such Conditions as are usual in the Case of the Sale of Trust Property by a Judicial Factor, and it shall be lawful for the Court to grant Authority for the Sale and Disposition of all or Part of such Property, if it is shown to the Satisfaction of the Court that the Trust Estate is insufficient for the Maintenance of the Truster's Family (where the Trust is for their Benefit), and that more ample Provision can be made for their Maintenance out of the Proceeds of the Estate when sold; or if it is shown to the Satisfaction of the Court that a Sale of the Truster's Heritable Property is expedient.

Court may authorize Trustees to grant Feus for building.

6. It shall be lawful for the Court, upon Application for that Purpose by Petition, to grant Authority to Trustees to feu the Trust Estate or Part thereof for building Purposes, upon being satisfied

atisfied that the Exercise of such Authority would be beneficial to the Parties interested in the Trust.

Court may grant Authority to borrow.

7. The Court may, if expedient, grant Authority to Trustees to borrow Money on the Security of the Trust Estate, and may, if expedient, confer upon Trustees such other Powers as have been or may be in use to be conferred on Judicial Factors upon special Application.

Trustee desirous of purchasing the Trust Estate may apply to the Court for Permission.

8. In the event of a Trustee or other Person holding an Office of Trust being desirous of purchasing any Property, being Part of the Estate under his Administration, it shall be lawful for the Court, upon an Application by such Trustee or Person, to authorize his Co-Trustees (or a Judicial Factor or Manager to be appointed for the Purpose) to receive an Offer from and to sell to such Trustee or Person subject to such Conditions as may appear sufficient for the Protection of the Interests of the Beneficiaries: Provided that any Person beneficially interested in the Trust may appear and object to such Application being granted; and that the Expense of the Application, including the Expense of such Appearance, shall be borne by the Trustee applying for Authority to purchase.

Court may authorize Trustee to enter into Transactions with the Estate.

9. The Court may authorize a Party holding the Office of Trustee to accept a salaried Office under the Trust, or to enter into any other lucrative Transaction with his Co-Trustees or other Parties representing the Trust, provided it shall appear that such Authority may be granted without Prejudice to the Interests of the Beneficiaries.

Extension of the Powers of Trustees in relation to Investments.

10. Trustees having Trust Money in their Possession which it is their Duty to invest at Interest, shall be at liberty to invest the same in the Purchase of any of the Parliamentary Stocks or Public Funds, or East India Stock, or Stock of the Bank of England, or to lend the same on the Security of any of the aforesaid Stocks or of Real Property in any Part of the United Kingdom (and for the Purposes of this Act the Debentures or Debenture Stock of any Railway Company paying Dividends to Shareholders shall be held to be Real Security), and also from Time to Time at their Discretion to vary any such Investments as aforesaid, and shall not thereby incur any Responsibility for Depreciation in the Value of such Investments and Securities, provided they were reasonable and proper at the Time: Provided also, that Trustees under a Scotch Trust shall not be held to be subject, as Defendants or Respondents, to the Jurisdiction of any of Her Majesty's Superior Courts of Law or Equity in England or Ireland, by reason of their having invested Trust Funds in English or Irish Securities.

 11. Where

Extension of Powers of Trustees of Personal Property.

11. Where a Trust Estate consists in whole or in part of an Interest in a mercantile Business, or of Stock or Shares in a mercantile Company, or of Money invested on the Security of Personal Property, and it shall be made to appear to the Satisfaction of the Court upon a summary Application by the Trustees that the immediate Sale or Realization of such Part of the Estate would be prejudicial to the Interests of the Parties taking benefit by the Trust, it shall be lawful to the Court to grant Authority to the Trustees to continue the existing Investments of the Trust Estate: Provided always, that in the event of any Circumstances afterwards occurring or coming to the Knowledge of the Trustees, which may render it doubtful whether such Investments ought to be longer continued, the Trustees may either proceed to realize the Estate on their own Responsibility or may apply for further Directions under the Powers herein-after conferred; and no Trustee shall be liable for any Loss or Depreciation in the Value of any Investment authorized as aforesaid, upon an Application fairly disclosing the Circumstances material for the Consideration of the Court, unless he shall have culpably neglected to realize or to apply for further Directions, while in the Knowledge of Circumstances materially affecting the Security of the Investment.

Court may authorize an Advancement of the Capital of Trust Funds for the Benefit of minor Children.

12. In all Cases where any Fund is held by Trustees on behalf of minor Children, it shall be lawful for the Court to authorize the Advancement of a Part of the Capital or Fee of such Fund for the Maintenance of the Family, in such Circumstances as those in which the Court has been or may be in use to grant such Authority, (unless such Advancement is expressly prohibited by the Trust) and Authority may be granted as aforesaid, notwithstanding that by the Deed of Trust the Destination of the Capital or Fee is subject to a Clause of Survivorship with or without a Reversion to the Issue of such minor Children.

Exercise of Power of Division not to be liable to Challenge as illusory.

13. No Deed of Appointment or Division which shall hereafter be made in the Exercise of any indefinite Power to apportion or divide any Property amongst several Objects, shall be deemed to be invalid or ineffectual on the Ground that an unsubstantial, illusory, or nominal Share only shall be thereby appointed to or left to devolve upon any One or more of the Objects of such Powers.

Judicial Discharge of Trustees.

14. Trustees who have distributed the Trust Funds and Estate extrajudicially may apply by Petition to the Court for Exoneration and Discharge, and after such Intimation and Advertisement and Inquiry by Remit to an Accountant, or otherwise as may be expedient, the Court may discharge such Trustees from their Actings

and

and Intromissions, which Discharge shall have the like Effect as a Decree pronounced in an Action of Exoneration, and the Expense of such Application shall be chargeable against the Trust, unless the Court on special Grounds shall think fit to refuse the Trustees their Expenses: Provided, that the Surplus of any Sum reserved to meet the Expenses of the Application shall, before such Discharge is granted, be paid over to the Parties entitled thereto.

Trustees may apply by Petition for Authority to distribute.

15. Trustees who may be desirous of distributing the Trust Funds and Estate, or so much thereof as may be remaining in their Hands under the Authority of the Court, may apply by Petition to the Court for Authority to distribute the same, and also for Exoneration, specifying in such Petition, or in a separate Account or Paper to be lodged as relative thereto, the Funds and Property which they desire so to distribute; and after Intimation and Advertisement and Inquiry, as mentioned in the preceding Section, the Court may grant Warrant to distribute the said Trust Funds and Estate in Terms of a Scheme of Distribution approved by the Court, and may afterwards discharge the Trustees from their Actings and Intromissions: Provided that in case of Opposition to the Petition, the Court may sist Process in order that Proceedings may be taken by Action for the Determination of the Matters in controversy; and Trustees shall not be entitled to the Expenses of any such Application by Petition, if at the Time of presenting it they had Intimation of competing Claims to the Funds or Estate in their Hands.

Discharge of Trustees resigning during the Subsistence of the Trust.

16. The Court may, upon an Application by Petition, discharge any Trustee who may resign while the Trust is subsisting; and the Expenses of the Application shall be in the Discretion of the Court.

Trustees may apply by Petition for Directions respecting the Administration of the Trust.

17. Application may be made by Petition at the Instance of Trustees, or of any individual Trustee, for the Opinion and Direction of the Court, on any Question respecting the Management or Administration of the Trust Property; and any Trustee acting upon such Opinion and Direction obtained upon an Application fairly disclosing the Circumstances material for the Consideration of the Court, shall be held to be discharged from personal Responsibility for anything done in pursuance of such Opinion and Direction: Provided, that the Court shall not by this Form of Process be required to determine ex post facto any Question of personal Liability, or to adjudicate in any Matter resolving into a Competition of Interests, or any Question of proprietary Right.

Appointment of new Trustees by the Court.

18. And whereas the Power of appointing Trustees, which belongs to the Court of Session in virtue of its Equitable Jurisdiction, has been exercised with Advantage in connexion with the Administration of Trusts for Charities, and other public or quasi public Purposes: And whereas, in consequence of the increased Facilities afforded by this Act for bringing the Administration of private Trusts under the Control of the Court, it is expedient that the Power of appointing Trustees upon private Trust Estates should be more frequently exercised by the Court in Cases where Trustees cannot be or cannot conveniently be appointed by way of Assumption: Be it declared and enacted, That the Court, upon the Application of any Party having an Interest, may appoint a Trustee or Trustees upon any Estate requiring to be administered as a Trust Estate, to act either by himself or themselves, or in conjunction with any other Person or Persons, who at the Time of the Application shall be in the Exercise of the Office of Trustee; and either with the Powers (if any) of the Deed by which the Purposes of the Trust are declared, or with the Powers usually conferred on Judicial Officers, or with such other Powers as may be lawfully conferred, and the Powers of the whole Body of Trustees, including any who may previously have been in the Exercise of the Office, shall be such only as the Court shall appoint.

Duties of Trustees appointed by the Court.

19. The Court may direct or regulate the Duties to be performed by any Trustees or Trustee acting under Powers conferred by Judicial Appointment; and such Direction or Regulation may be declared either at the Time of making the Appointment, or by an Interlocutor to be pronounced in any incidental Application by such Trustees or Trustee, or other Party having an Interest; and for that Purpose the original Process of Appointment shall be held to be in Dependence, while the Appointment subsists, and the Court may also require Trustees acting under such Powers to lodge an Inventory or Inventories of the Trust Estate, and may require any Factor or salaried Officer of the Trust to find Caution for his Intromissions.

Powers and Immunities of Trustees appointed by the Court.

20. Trustees appointed by the Court shall have the same Powers, Rights, and Immunities as Trustees acting under the Authority of the Truster, except in so far as their Powers are limited by the Terms of their Appointment; but shall not have the Power of assuming new Trustees, unless such Power is expressly conferred upon them by the Court, and such Trustees shall be at liberty to apply for special Powers, or for the Opinion and Direction of the Court, by lodging a Note in the Process of Appointment, which shall be intimated to the Parties interested, or to such Parties as the Court may appoint.

21. It

Completion of a Title by the Heir of the last surviving Trustee.

21. It shall be lawful for the Heir of Line of the Survivor of any Body of Trustees acting under the Authority of a Deed of Trust, to make up a Title by Service to any Heritable Estate which may have been vested in such Trustee, either alone or in conjunction with other Trustees, under a Destination express or implied to such Trustees, and the Survivors or Survivor of them; and thereafter to convey the same to the Parties beneficially interested therein, or to any other Party or Parties with their Consent, and at their Request; and it shall be lawful for the Heir of Line of any such surviving Trustee, duly served as such, to apply for and obtain himself decerned and confirmed Executor dative qua special Disponee, ad non executa, to such Part of the Moveable Trust Funds or Estate as may not have been distributed, and thereafter to pay or convey the same to the Parties respectively entitled thereto, and for that Purpose every Trust Disposition or Deed which contains or is held in virtue of the Act Twenty-fourth and Twenty-fifth Victoria, Chapter Eighty-four, to contain a Destination to the surviving Trustees or Trustee acting under the Authority of such Deed shall also be held to contain an ultimate Destination to the Heir of Line of the last Survivor of such Trustees: Provided always, that any such Party making up a Title as Heir of a Trustee shall not be deemed to be a Trustee, and shall not be entitled to execute the Trust, except to the Effect of conveying the Estate to the Parties entitled thereto, and shall not be liable to any Responsibility except for his own Acts and Deeds.

Completion of a Title by the Beneficiary of a lapsed Trust.

22. Where any Person shall be entitled to the Possession for his own absolute Use of any Estate, heritable or moveable, the Title to which has been vested in or taken in the Name of or conveyed to any Trustee or other Person who has died or become incapable of acting without having executed the Trust reposed in him, then and in all such Cases, in lieu of an Application to the Court for the Appointment of a Judicial Factor, and thereafter for Authority to such Factor to make up Titles in his Person, it shall be lawful for the Party or Parties beneficially entitled to such Estate to apply by Petition to the Court for Authority to complete a Title in their Persons to such Estate, at the Sight of a Person to be appointed by the Court, and such Petition shall specify the Lands or other Estate, heritable or moveable, to which such Title is to be completed, and if, after Intimation and Inquiry (if Inquiry is requisite), the Court shall be satisfied that the Prayer of the Petition may be granted, it shall be lawful for the Court to grant a Warrant for completing such Title as aforesaid, which Warrant shall specify the Lands or other Heritable Estate to which it is applicable, and shall also specify the Moveable Estate or shall bear

Reference to any Inventory appended to the Petition in which such Moveable Estate may be specified; and such Warrant shall be effectual as a Conveyance of such Heritable and Moveable Estate in favour of the Petitioners in like Manner as a Warrant in favour of a Judicial Factor granted under the Authority of the Thirty-eighth Section of the Titles to Land (Scotland) Act, 1860.

Powers of the Court under this Act to be exercised by the Lord Ordinary.

23. All Applications to the Court of Session under the Authority of this Act shall be brought in the first instance before One of the Lords Ordinaries officiating in the Outer House, and the Powers of the Lord Ordinary before whom the Petition is enrolled may be exercised by the Lord Ordinary on the Bills during Vacation; and all such Petitions shall, as respects Procedure and Review, be subject to the same Rules and Regulations as are enacted with respect to Petitions coming before the Junior Lord Ordinary in virtue of an Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Fifty-six, or as may be enacted by any Act to be passed in the present Session of Parliament: Provided always, that where in the Exercise of the Powers pertaining to the Court of appointing Trustees and regulating Trusts, it shall be necessary to settle a Scheme for the Administration of any charitable or other permanent Endowment, the Lord Ordinary shall, after preparing such Scheme, report to One of the Divisions of the Court, by whom the same shall be finally adjusted and settled, and in all Cases where it shall be necessary to settle any such Scheme, Intimation shall be made to Her Majesty's Advocate with a view to his Appearance for the Public Interest.

20 & 21 Vict. c. 56.

Act to apply to Executors and Judicial Officers.

24. The Provisions of this Act, so far as applicable, shall extend to Executors as well as Trustees, and also to all Judicial Factors and other Persons appointed to Offices of Trust by the Court of Session; and no Application to the Court by One of several Trustees or Executors shall be held to be incompetent by reason of the Refusal of the other Trustees or Executors to concur in such Application.

Court may pass Acts of Sederunt.

25. The Court of Session shall be, and the said Court is hereby empowered from Time to Time from and after the passing of this Act, to make such Regulations by Acts or Act of Sederunt as may be requisite for carrying into effect the Purposes of this Act: Provided always, that within *Fourteen Days* from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers hereby given.

26. Excepting

26. Excepting in so far as regards the Power herein-before given to the Court of Session to pass Acts of Sederunt, this Act shall take effect from and after the *First Day of November One thousand eight hundred and sixty-four*, and shall apply to Trusts already in operation as well as to future Trusts. Commencement of this Act.

27. This Act may be cited for all Puposes as "The Trust Administration (Scotland) Act, 1864." Short Title.

Administration of Trusts (Scotland).

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BILL

To facilitate the Administration of Trusts, and to regulate the Powers of Trustees, in Scotland.

(*Prepared and brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.*)

Ordered, by The House of Commons, *to be Printed*, 6 *May* 1864.

[Bill 95.]

Under 2 *oz.*

Administration of Trusts (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble.

Extension of the Powers of Trustees for Sale; Sect. 1.

Trustees empowered to purchase Lands may apply the Money in Payment of Debts; 2.

Trustees may borrow Money on the Security of Estate purchased under a Power; 3.

Trustees Receipts; 4.

Clause A.—The Court may grant Authority to sell, feu, lease, or borrow Money on the Security of the Trust Estate; 5.

Trustee desirous of purchasing the Trust Estate may apply to the Court for Permission; 6.

Clause B.—Extension of Powers of Trustees in relation to Investments; 7.

Extension of Powers of Trustees of Personal Property; 8.

Clause C.—The Court may authorize the Advancement of Part of the Capital of Trust Fund; 9.

Judicial Discharge of Trustees; 10.

Trustees may apply by Petition for Authority to distribute; 11.

Discharge of Trustees resigning during the Subsistence of the Trust; 12.

Trustees may apply by Petition for Directions respecting the Administration of the Trust; 13.

Appointment of new Trustees by the Court; 14.

Duties of Trustees appointed by the Court; 15.

Powers and Immunities of Trustees appointed by the Court; 16.

Completion of a Title by the Beneficiary of a lapsed Trust; 17.

Clause D.—Completion of Title in the Person of a Judicial Factor on the Application of a Beneficiary; 18.

Powers of the Court under this Act to be exercised by the Lord Ordinary; 19.

Act to apply to Executors and Judicial Officers; 20.
Court may pass Acts of Sederunt; 21.
Commencement of this Act; 22.
Short Title; 23.

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B I L L

[AS AMENDED IN COMMITTEE]

TO

Facilitate the Administration of Trusts, and to regulate the Powers of Trustees, in Scotland.

Preamble.

WHEREAS it is expedient that certain Powers and Provisions which are now usually inserted in Trust Dispositions and Settlements in Scotland should be made incident to the Office of Trustee and Executor, and that greater Facilities should be given for the Exercise of the Jurisdiction of the Court of Session in the Administration of private Trust Estates and of Executries: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of the Powers of Trustees for Sale.

1. In all Cases where by a Disposition or Deed of Settlement of Heritable Property it is declared that Trustees shall have a Power of Sale, either generally or in any particular Event, in relation to any Heritable Property, whether vested in them by such Disposition or Settlement or not, it shall be lawful for such Trustees to exercise such Power of Sale by selling such Property either by public Roup or private Bargain, and either together or in Lots, and either at One or at several Times; and it shall be lawful in such

Sales to reserve the Minerals or to sell under Reservation of a Feu Duty or Ground Annual.

Trustees empowered to purchase Lands may apply the Money in Payment of Debts.

2. Trustees empowered or directed to invest Money or the Proceeds of Property appointed to be sold in the Purchase of Heritable Estate may (with Leave of the Court, to be obtained upon a summary Application, as herein-after provided,) apply the whole or Part of such Money or Proceeds in paying off or redeeming any Debt or Burden affecting Lands which may be destined to the same Series of Heirs, and subject to the same Conditions as are by the Trust Deed made applicable to the Lands directed to be purchased, unless the Trustee has otherwise provided for the Payment of such Debt or Burden.

Trustees may borrow Money on the Security of Estate purchased under a Power.

3. Trustees empowered or directed to purchase Heritable Estate for the Purpose of executing a Settlement thereof in Terms of the Truster's Directions may, if the Funds at their Disposal are not sufficient for the Purchase of an Estate which is in other respects eligible, and if the borrowing of Money is not prohibited by the Trust, borrow as much as may be requisite (not exceeding One Fifth Part of the Price of the Estate) on the Security of the purchased Estate, and may convey the same in Terms of the Settlement subject to such Heritable Burden.

Trustees Receipts.

4. The bonâ fide Payment to and the Receipt in Writing of any Trustee or Trustees (or of a Quorum of Trustees where there are more than One), to whom any Money shall be payable in the Execution of any Trust, or of their Factor duly authorized, shall effectually discharge the Person paying the same from seeing to the Application of or being answerable for the Loss or Misapplication of such Money.

Clause A. The Court may grant Authority to sell, feu, lease, or borrow Money on the Security of the Trust Estate.

5. Where Heritable Property is or shall be vested in Trustees by any Disposition mortis causa, or Marriage Contract Settlement, and such Disposition or Settlement contains no Provision for the Sale, or the granting of Feus or of Leases, or the borrowing Money on the Security of such Property, the Court may, on the Application of the Trustees, and on being satisfied that the Prayer of the Petition is not inconsistent with the ultimate Purposes of the Trust, and that the Authority desired is expedient in the Circumstances of the Trust, grant Authority to the Trustees to sell and dispose of all or Part of the Property, and, if expedient, to commute Part of the Piece into a Ground Annual, or to grant Feus of all or Part of the Property for Building or other Purposes, or to grant Leases either of Lands or Minerals for such Periods as

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are customary, although of longer Duration than the Trust, or to borrow Money on the Security of the Trust Estate; and the Court may interpone its Authority to any Scheme for selling, feuing, or leasing the Trust Estate which may be submitted to the Court under any such Application, after Investigation in the usual Manner.

Trustee desirous of purchasing the Trust Estate may apply to the Court for Permission.

6. In the event of a Trustee or other Person holding an Office of Trust being desirous of purchasing any Property, being Part of the Estate under his Administration, the Court may, upon an Application by such Trustee or Person, authorize his Co-Trustees (or a Judicial Factor or Manager to be appointed for the Purpose) to receive an Offer from and to sell to such Trustee or Person, subject to such Conditions as may appear sufficient for the Protection of the Interests of the Beneficiaries.

Clause B. Extension of Powers of Trustees in relation to Investments.

7. Trustees having Trust Money in their Possession which it is their Duty to invest at Interest may, if not otherwise directed by the Trust Deed, invest the same in the Purchase of any of the Parliamentary Stocks or Public Funds of the United Kingdom, or the Debentures or Debenture Stock of any Railway Company in the United Kingdom paying Dividends to Shareholders, or may lend the same on the Security of any of the aforesaid Stocks, Funds, or Debentures, and also from Time to Time, at their Discretion, may vary any such Investments as aforesaid, and shall not thereby incur any Responsibility for Depreciation in the Value of such Investments and Securities, provided they were reasonable and proper at the Time: Provided also, that Trustees shall not be held to be subject, as Defendants or Respondents, to the Jurisdiction of any of Her Majesty's Superior Courts of Law or Equity in England or Ireland merely by reason of their having invested Trust Funds in English or Irish Securities.

Extension of Powers of Trustees of Personal Property.

8. Where a Trust Estate consists in whole or in part of Stock or Shares in a Mercantile or Joint Stock Company, or of Money invested on the Security of Personal Property, and it shall be made to appear to the Satisfaction of the Court upon a summary Application by the Trustees that the immediate Sale or Realization of such Part of the Estate would be prejudicial to the Interests of the Beneficiaries, it shall be lawful to the Court to grant Authority to the Trustees to continue the existing Investments of the Trust Estate: Provided, that in the event of any Circumstances afterwards occurring or coming to the Knowledge of the Trustees which may render it doubtful whether such Investments ought to be longer continued, the Trustees may either proceed to realize the Estate on their

own Responsibility, or may apply to the Court for further Directions under the Powers herein-after conferred; and no Trustee shall be liable for any Loss or Depreciation in the Value of any Investment authorized as aforesaid, upon an Application fairly disclosing the Circumstances material for the Consideration of the Court, unless he shall have culpably neglected to realize or to apply for further Directions, while in the Knowledge of Circumstances materially affecting the Security of the Investment.

CLAUSE C. The Court may authorize the Advancement of Part of the Capital of a Trust Fund.

9. The Court may, on the Application of the Trustees, from Time to Time authorize the Advancement of any Part of the Capital of a Fund destined to Children of a Family, and payable at Majority or Marriage, if it shall appear that such Advancement is necessary for the Maintenance of the Children on whose Behalf the Application is made, and that it is not expressly prohibited by the Trust Deed, and that no Person other than the Children to whom the Fund is immediately destined and their Issue have any Interest, either vested or contingent, in the Fund.

Judicial Discharge of Trustees.

10. Trustees who have distributed the Trust Funds and Estate extrajudicially may apply by Petition to the Court for Exoneration and Discharge, and after such Intimation and Advertisement and Inquiry by Remit to an Accountant, or otherwise as may be expedient, the Court may discharge such Trustees from their Actings and Intromissions, which Discharge shall have the like Effect as a Decree pronounced in an Action of Exoneration, and the Expense of such Application shall be chargeable against the Trust, unless the Court on special Grounds shall think fit to refuse the Trustees their Expenses: Provided, that the Surplus of any Sum reserved to meet the Expenses of the Application shall, before such Discharge is granted, be paid over to the Parties entitled thereto.

Trustees may apply by Petition for Authority to distribute.

11. Trustees who may be desirous of distributing the Trust Funds and Estate, or so much thereof as may be remaining in their Hands under the Authority of the Court, may apply by Petition to the Court for Authority to distribute the same, and also for Exoneration, specifying in such Petition, or in a separate Account or Paper to be lodged as relative thereto, the Funds and Property which they desire so to distribute; and after Intimation and Advertisement and Inquiry, as mentioned in the preceding Section, the Court may grant Warrant to distribute the said Trust Funds and Estate in Terms of a Scheme of Distribution approved by the Court, and may afterwards discharge the Trustees from their Actings and Intromissions: Provided that in case of Opposition to the Petition, the Court may sist Process in order that Proceedings may be taken

taken by Action for the Determination of the Matters in controversy; and Trustees shall not be entitled to the Expenses of any such Application by Petition, if at the Time of presenting it they had Intimation of competing Claims to the Funds or Estate in their Hands.

Discharge of Trustees resigning during the Subsistence of the Trust.

12. The Court may, upon an Application by Petition, discharge any Trustee who may resign while the Trust is subsisting; and the Expenses of the Application shall be in the Discretion of the Court.

Trustees may apply by Petition for Directions respecting the Administration of the Trust.

13. Application may be made by Petition at the Instance of Trustees, or of any individual Trustee, for the Opinion and Direction of the Court, on any Question respecting Powers of the Trustees in the Management and Administration of the Trust Property; and any Trustee acting upon such Opinion and Direction obtained upon an Application fairly disclosing the Circumstances material for the Consideration of the Court, shall be held to be discharged from personal Responsibility for anything done in pursuance of such Opinion and Direction: Provided, that the Court shall not by this Form of Process be required to determine ex post facto any Question of personal Liability, or to adjudicate in any Matter resolving into a Competition of Interests, or any Question of proprietary Right.

Appointment of new Trustees by the Court.

14. And whereas the Power of appointing Trustees, which belongs to the Court of Session in virtue of its Equitable Jurisdiction, has been exercised with Advantage in connexion with the Administration of Trusts for Charities, and other public or quasi public Purposes: And whereas, in consequence of the increased Facilities afforded by this Act for bringing the Administration of private Trusts under the Control of the Court, it is expedient that the Power of appointing Trustees upon private Trust Estates should be more frequently exercised by the Court in Cases where Trustees cannot be or cannot conveniently be appointed by way of Assumption: The Court, upon the Application of any Party having an Interest, may appoint a Trustee or Trustees upon any Estate requiring to be administered as a Trust Estate, to act either by himself or themselves, or in conjunction with any other Person or Persons, who at the Time of the Application shall be in the Exercise of the Office of Trustee; and either with the Powers (if any) of the Deed by which the Purposes of the Trust are declared, or with the Powers usually conferred on Judicial Officers, or with such other Powers as may be lawfully conferred.

Duties of Trustees appointed by the Court.

15. The Court may direct or regulate the Duties to be performed by any Trustees or Trustee acting under Powers conferred by Judicial Appointment; and such Direction or Regulation may be declared either at the Time of making the Appointment, or by an Interlocutor to be pronounced in any incidental Application by such Trustees or Trustee, or other Party having an Interest; and for that Purpose the original Process of Appointment shall be held to be in Dependence while the Appointment subsists, and the Court may also require Trustees acting under such Powers to lodge an Inventory or Inventories of the Trust Estate, and may require any Factor or salaried Officer of the Trust to find Caution for his Intromissions.

Powers and Immunities of Trustees appointed by the Court.

16. Trustees appointed by the Court shall have the same Powers, Rights, and Immunities as Trustees acting under the Authority of the Truster, except in so far as their Powers are limited by the Terms of their Appointment, but shall not have the Power of assuming new Trustees, unless such Power is expressly conferred upon them by the Court; and such Trustees shall be at liberty to apply for special Powers, or for the Opinion and Direction of the Court, by lodging a Note in the Process of Appointment, which shall be intimated to the Parties interested, or to such Parties as the Court may appoint.

Completion of a Title by the Beneficiary of a lapsed Trust.

17. Where any Person shall be entitled to the Possession for his own absolute Use of any Estate, heritable or moveable, the Title to which has been vested in or taken in the Name of or conveyed to any Trustee or other Person who has died or become incapable of acting without having executed the Trust reposed in him, then and in all such Cases, in lieu of an Application to the Court for the Appointment of a Judicial Factor, and thereafter for Authority to such Factor to make up Titles in his Person, it shall be lawful for the Party or Parties beneficially entitled to such Estate to apply by Petition to the Court for Authority to complete a Title in his or their Persons to such Estate, and such Petition shall specify the Lands or other Estate, heritable or moveable, to which such Title is to be completed, and if, after Intimation and Inquiry (if Inquiry is requisite), the Court shall be satisfied that the Prayer of the Petition may be granted, it shall be lawful for the Court to grant a Warrant for completing such Title as aforesaid, which Warrant shall specify the Lands or other Heritable Estate to which it is applicable, and shall also specify the Moveable Estate or shall bear Reference to any Inventory appended to the Petition in which such Moveable Estate may be specified; and such Warrant shall be effectual as a Conveyance of such Heritable

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and Moveable Estate in favour of the Petitioners in like Manner as a Warrant in favour of a Judicial Factor granted under the Authority of the Thirty-eighth Section of "The Titles to Land (Scotland) Act, 1860."

CLAUSE D. Completion of Title in the Person of a Judicial Factor on the Application of a Beneficiary.

18. Application for Authority to complete the Title to Trust Property under the Thirty-eighth Section of "The Titles to Land Act, 1860," may be made by any Beneficiary interested in the Property, and the Application, when so made, may be combined with an Application for the Appointment of a Judicial Factor in whose Person it is desired to complete a Title; and such Application may include moveable Property, and the Warrant to be granted in pursuance thereof shall be effectual as a Conveyance in manner specified in the said Act and in the preceding Section of this Act.

Powers of the Court under this Act to be exercised by the Lord Ordinary.

19. The Expression "the Court" in this Act shall mean the Court of Session in Scotland, and all Applications to the Court under the Authority of this Act shall be brought in the first instance before One of the Lords Ordinaries officiating in the Outer House, who shall direct such Intimation and Service thereof, and such Investigation or Inquiry (if Inquiry be necessary) as he shall think fit, and the Powers of the Lord Ordinary before whom the Petition is enrolled may be exercised by the Lord Ordinary on the Bills during Vacation; and all such Petitions shall, as respects Procedure and Review, be subject to the same Rules and Regulations as are enacted with respect to Petitions coming before the Junior Lord Ordinary in virtue of an Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Fifty-six: Provided that where in the Exercise of the Powers pertaining to the Court of appointing Trustees and regulating Trusts it shall be necessary to settle a Scheme for the Administration of any charitable or other permanent Endowment, the Lord Ordinary shall, after preparing such Scheme, report to One of the Divisions of the Court, by whom the same shall be finally adjusted and settled, and in all Cases where it shall be necessary to settle any such Scheme, Intimation shall be made to Her Majesty's Advocate with a view to his Appearance for the Public Interest.

20 & 21 Vict. c. 56.

Act to apply to Executors and Judicial Officers.

20. The Provisions of this Act, so far as applicable, shall extend to Executors as well as Trustees, and also to all Judicial Factors and other Persons appointed to Offices of Trust by the Court.

Court may pass Acts of Sederunt.

21. The Court shall be and is hereby empowered from Time to Time from and after the passing of this Act to make such Regulations

tions by Acts or Act of Sederunt as may be requisite for carrying into effect the Purposes of this Act: Provided always, that within Fourteen Days from the Commencement of every future Session of Parliament there shall be laid before both Houses of Parliament Copies of all Acts of Sederunt made and passed under the Powers hereby given.

Commencement of this Act.

22. Excepting in so far as regards the Power herein-before given to the Court to pass Acts of Sederunt, this Act shall take effect from and after the First Day of November One thousand eight hundred and sixty-four, and shall apply to Trusts already in operation or constituted as well as to future Trusts, but shall not affect the Decision of any Question which may, at the passing of this Act, be the Subject of a depending Action.

Short Title.

23. This Act may be cited for all Purposes as "The Trust Administration (Scotland) Act, 1864."

Administration of Trusts (Scotland).

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B I L L

[AS AMENDED IN COMMITTEE]

To facilitate the Administration of Trusts, and to regulate the Powers of Trustees, in Scotland.

(Prepared and brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.)

Ordered, by The House of Commons, *to be Printed,* 28 *June* 1864.

[Bill 179.] *Under 2 oz.*

Admiralty Lands and Works Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

Preliminary.

1. Short Title.
2. Interpretation of Terms.

I.—Acquisition of Lands by Agreement.

3. Power for Admiralty to take Lands by Agreement.
4. Incorporation of Lands Clauses Acts, except Provisions giving compulsory Powers, &c.

II.—Acquisition of Lands under Special Acts.

5. Incorporation of Lands Clauses Acts with Special Acts.
6. Power for Admiralty to withdraw Notice for Purchase within limited Time.
7. Incorporation of Railways Clauses Acts as to Correction of Errors, &c. in Books of Reference, &c.
8. Limit of Time for compulsory Purchase.

III.—Vesting, Management, &c. of Lands.

9. Lands to vest in Lords of Admiralty, &c. for the Time being.
10. Powers of Management, &c. of Lands.
11. Actions and Suits by and against Admiralty as to Lands.

Recovery of Possession.

12. Recovery of Possession of Land in England from Tenants.
13. Recovery of Possession of Land in Ireland from Tenants.

Sale.

14. Exception from Incorporation of Provisions as to Sale of superfluous Land.

15. Power for Admiralty to sell Lands not required for Public Service.
16. Payment of Purchase Money.
17. Lands vested indefeasibly in Purchaser.
18. Compensation by Admiralty for prior Interests (if any) afterwards established.

IV.—Works.

19. Incorporation of Railways Clauses Acts as to certain Works, Roads, &c.

V.—Miscellaneous.

20. Exception from Incorporation of Requirements as to Bonds.
21. Provision for Purchase Money, &c.
22. Service of Notices, &c.
23. Application of pecuniary Penalties, &c.
24. Protection to Admiralty against Penalties, &c.
25. Saving for Powers of Admiralty.

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BILL

TO

Make Provision respecting the Acquisition of Lands required by the Admiralty for the Public Service, and respecting the Use and Disposition thereof, and the Execution of Works thereon.

WHEREAS it is expedient to make Provision for the Acquisition by the Admiralty, by Agreement, of Lands required for the Public Service: Preamble.

And whereas it is expedient to consolidate into One General Act sundry Provisions usually introduced into Special Acts from Time to Time empowering the Admiralty to purchase particular Lands for the Public Service by Agreement or compulsorily, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in each of the several Special Acts as for insuring greater Uniformity in the Provisions themselves:

And whereas it is expedient to make Provision respecting the Use and Management of Lands held by the Admiralty for the Public Service, and respecting the Disposition thereof when no longer required for the Public Service, and also respecting the Execution of Works by the Admiralty in certain Cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preliminary.

Short Title.

1. This Act may be cited as The Admiralty Lands and Works Act, 1864.

Interpretation of Terms.

2. In this Act—

The Term "the Admiralty" means the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral :

The Term "the Lands Clauses Acts" means with respect to Lands in England or Ireland The Lands Clauses Consolidation Act, 1845, and with respect to Lands in Scotland The Lands Clauses Consolidation (Scotland) Act, 1845, together with in each Case The Lands Clauses Consolidation Acts Amendment Act, 1860 :

The Term "Lands" includes any Estate, Term, Easement, Right, or Interest in, to, over, or affecting Lands.

In the Construction of the Lands Clauses Acts in connection with this Act the Term "the Promoters of the Undertaking" therein used shall mean the Admiralty, and the Term "Lands" therein used shall have the Meaning herein-before assigned to it.

I.—Acquisition of Lands by Agreement.

Power for Admiralty to take Lands by Agreement.

3. Subject and according to the Provisions of this Act, the Admiralty may from Time to Time by Agreement purchase or take Lands requisite for Her Majesty's Naval Service, or for the Use or Requirements of any Force or Department in the Employment or under the Direction or Control of the Admiralty, and for that Purpose may enter into, execute, and do all necessary and proper Contracts, Assurances, and Things.

Incorporation of Lands Clauses Acts, except Provisions giving compulsory Powers, &c.

4. For the Purposes of any such Purchase or taking, the Lands Clauses Acts shall be incorporated with this Act (for which Purpose this Act shall be deemed the Special Act), except as to so much of the Lands Clauses Acts as relates to the Purchase or taking of Lands otherwise than by Agreement, and to Access to the Special Act.

II.—Acqui-

II.—Acquisition of Lands under Special Acts.

Incorporation of Lands Clauses Acts with Special Acts.

5. Where by any Act of the present or any future Session compulsory Powers of purchasing or taking particular Lands are given to the Admiralty, the Lands Clauses Acts shall, subject to the Provisions of this Act, be incorporated with the Act giving those Powers (which shall for this Purpose be deemed the Special Act), except as to so much of the Lands Clauses Acts as relates to Access to the Special Act.

Power for Admiralty to withdraw Notice for Purchase within limited Time.

6. If in any Case, after Notice has been given by the Admiralty for the compulsory Purchase or taking of any Lands under any Act of the present or any future Session, it appears to the Admiralty from a Change of Circumstances, or other Reasons, unnecessary or inexpedient to complete the Purchase or taking of such Lands, or any Part thereof, the Admiralty may within *Two Months* after giving the Notice give to the Parties entitled to receive the First Notice a further Notice to the Effect that they thereby withdraw the First Notice wholly or in part, and thereupon the Lands comprised in the Notice of Withdrawal shall be discharged from the Effect of the First Notice wholly or to the Extent of the Notice of Withdrawal (as Case may be); provided that nothing herein shall—

(1.) prejudice any Claim of any Owner of or Person interested in such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the First Notice; or

(2.) give to any Person receiving Notice for the Purchase or taking of Lands any further or other Right as against the Admiralty than he would have had if this Enactment had not been made.

Incorporation of Railways Clauses Acts as to Correction of Errors, &c., in Books of Reference, &c.

7. In every such Act as aforesaid of the present or any future Session there shall also be incorporated, where the Lands authorized to be purchased or taken compulsorily are situate in England or Ireland, Sections Seven and Ten of The Railways Clauses Consolidation Act, 1845, and where the Lands are situate in Scotland, Sections Seven and Ten of The Railways Clauses Consolidation (Scotland) Act, 1845, for which Purpose such Act of the present or any future Session shall be deemed the Special Act, and the Admiralty shall be deemed the Company.

Limit of Time for compulsory Purchase.

8. The Powers of the Admiralty for the compulsory Purchase of Lands for the Purposes of any such Act as aforesaid of the present or any future Session shall not be exercised after the Expiration of *Five* Years from the passing of that Act.

III.—Vesting, Management, &c. of Lands.

Lands to vest in Lords of Admiralty, &c. for the Time being.

9. Lands purchased or taken by the Admiralty as aforesaid, by Agreement or compulsorily, shall, according to the Nature and Quality of such Lands, and the Estate, Term, or Interest acquired by the Admiralty therein, vest in the Admiralty for the Time being, and go to and be held by the Lord High Admiral for the Time being, or the Commissioners for the Time being for executing the Office of Lord High Admiral, in succession, in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Powers of Management, &c. of Lands.

10. Subject to the Provisions of this Act and of any Act of the present or any future Session, the Admiralty may use Lands purchased or taken by them under this Act or under any such Act in such Manner as may seem most beneficial for the Public Service, and shall have in relation thereto all such Powers of Management and Leasing, and all such other Powers, and all such Rights, as would be had in relation thereto by any Individual holding the same for such Estate, Term, or Interest as the Admiralty have therein.

Actions and Suits by and against Admiralty as to Lands.

11. The Admiralty may bring any Action of Ejectment or other Action or Suit for recovering Possession of any Lands purchased or taken by them under this Act, or under any Act of the present or any future Session, and may distrain or sue for any Arrears of Rent due to them in respect thereof; and may bring any Action or Suit in respect of any Trespass or Encroachment committed thereon or Damage done thereto, or any other Action or Suit in respect thereof, and may defend any Action or Suit in respect thereof; and in every such Action or Suit the Admiralty may be styled "The Lord High Admiral of the United Kingdom" or "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom" (as the Case may require), without more; and any such Action or Suit shall not be affected by any Change in the Admiralty; and in any such Action or Suit the Admiralty shall be liable and entitled to pay or receive Costs according to the ordinary Rules observed in Actions between Subject and Subject.

Recovery of Possession.

Recovery of Possession of Land in England from Tenants.

12. Where any Lease or Agreement of or concerning Lands in England purchased or taken by the Admiralty under this Act or under any Act of the present or any future Session, is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), the following Provisions shall take effect:

1 & 2 Vict c. 74.

(1.) Possession of such Lands may be recovered by the Admiralty under the Act of the Session of the First and Second Years of

of Her Majesty (Chapter Seventy-four) "to facilitate the "Recovery of Possession of Tenements after due Determination of the Tenancy," as in Cases therein provided for, although the Term or Interest of the Tenant may have exceeded Seven Years, and the Rent may have exceeded the Rate of Twenty Pounds a Year, and a Fine may have been reserved or made payable:

(2.) The Notice of Intention to apply to Justices to recover Possession under that Act may require Possession to be given up on or before the Expiration of *Seven clear Days* from the Service of the Notice, and the Form of Notice may be varied accordingly:

(3.) The Justices by that Act authorized to issue a Warrant for giving Possession may by such Warrant authorize Entry and Delivery of Possession either forthwith or on or before such Day as the Justices think fit:

(4.) Such Possession as aforesaid may (at the Option of the Admiralty) be recovered with Rent or Mesne Profits, or both, under the Act of the Session of the Nineteenth and Twentieth Years of Her Majesty (Chapter One hundred and Eight) "to amend the Acts relating to the County Courts," as in Cases provided for in Section Fifty of that Act, and the Provisions auxiliary thereto, although the Value of the Premises and the Rent payable in respect thereof may have exceeded Fifty Pounds by the Year; and it shall not be necessary to prove the yearly Value and Rent as thereby required. 19 & 20 Vict. c. 108.

Recovery of Possession of Land in Ireland from Tenants.

13. Where any Lease or Agreement of or concerning Lands in Ireland purchased or taken by the Admiralty under this Act or under any Act of the present or any future Session, is determined by Expiration, Notice, or Forfeiture (except for Nonpayment of Rent), the following Provisions shall take effect:

(1.) Possession of such Lands may be recovered by the Admiralty, as provided by Section Seventy-two of the Act of the Session of the Fourteenth and Fifteenth Years of Her Majesty (Chapter Fifty-seven), "to consolidate and amend "the Laws relating to Civil Bills and the Courts of "Quarter Sessions in Ireland, and to transfer to Assistant "Barristers certain Jurisdiction as to Insolvent Debtors," in the Case of Lands holden by a Tenant at a Rent not exceeding Fifty Pounds per Annum, and the Tenant's Interest wherein is determined, notwithstanding the Rent payable under such Lease or Agreement may exceed that Amount: 14 & 15 Vict. c. 57.

(2.) Such Possession as aforesaid may (at the Option of the Admiralty) be recovered, as provided by Section Fifteen of The Summary Jurisdiction (Ireland) Act, 1851, for the Recovery of Possession of Houses in certain Towns and Villages :

14 & 15 Vict. c. 92.

(3.) The last-mentioned Mode of Recovery shall apply wherever the Lands may be situate, and at and for whatever Rent and Term the same may have been holden ; and notwithstanding anything in the last-mentioned Provision, the Justices authorized to issue a Warrant for giving Possession may by such Warrant authorize Possession to be given forthwith, or on or before such Day as the Justices think fit ; and the Justices may, if they think fit, issue such Warrant notwithstanding the Tenant may be willing to give such Undertaking as in that Provision mentioned.

Sale.

Exception from Incorporation of Provisions as to Sale of superfluous Lands.

14. Notwithstanding anything in this Act, such Provisions of the Lands Clauses Acts as relate to the Disposal of superfluous Lands, and to the Effect of the Words "grant" and "dispone" respectively in any Conveyance, shall not apply to Lands purchased or taken by the Admiralty under this Act or under any Act of the present or any future Session.

Power for Admiralty to sell Lands not required for Public Service.

15. Where any Lands purchased or taken by the Admiralty under this Act or under any Act of the present or any future Session appear to the Admiralty to be no longer required to be held by them for the Public Service, the Admiralty may sell the same, and may for that Purpose enter into, execute, and do all necessary or proper Contracts, Assurances, and Things.

Payment of Purchase Money.

16. The Purchase Money payable on any such Sale shall be paid to Her Majesty's Paymaster General, whose Receipt shall be an effectual Discharge for the same.

Lands vested indefeasibly in Purchaser.

17. On the Payment of such Purchase Money and the Execution and Delivery to the Purchaser by the Admiralty of the necessary or proper Assurance of the Lands sold, the Purchaser shall, notwithstanding any Defect in the Title of the Admiralty thereto, stand seised or possessed thereof for such Estate or Interest as may be expressed or intended to be assured to him, freed and absolutely discharged (save as in the Assurance may be expressed) from all prior Estates, Interests, Rights, and Claims therein or thereto.

18. If,

Compensation by Admiralty for prior Interests (if any) afterwards established.

18. If, nevertheless, at any Time after any such Sale, any such prior Estate, Interest, Right, or Claim as aforesaid is made out to the Satisfaction of the Admiralty to be capable of being established at Law or in Equity, or is so established, the Admiralty shall make Compensation for the same.

For the Purposes of the present Section the Provisions of the Lands Clauses Acts with respect to Interests in Lands which have by Mistake been omitted to be purchased shall apply and take effect as if the Lands had not been sold by the Admiralty, or as near thereto as Circumstances admit, with this Addition, namely,—that such Compensation shall not in any Case exceed the Amount of the Purchase Money received by the Admiralty on the Sale of the Lands in respect whereof such Estate, Interest, Right, or Claim is made out or established, exclusive of the Value of any Buildings or Improvements erected or made thereon by the Admiralty for the Public Service.

IV.—Works.

Incorporation of Railways Clauses Acts as to certain Works, Roads, &c.

19. Where, by any Act of the present or any future Session, Powers for the Execution of particular Works are given to the Admiralty, there shall be incorporated with the Act giving those Powers (which shall for this Purpose be deemed the Special Act) the following Provisions, namely:

Where the Lands on which the Works are authorized to be executed are situate in England or Ireland, Sections Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-four of The Railways Clauses Consolidation Act, 1845, and the Provisions of the same Act with respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

Where the Lands on which the Works are authorized to be executed are situate in Scotland, Sections Eighteen, Nineteen, Twenty, Twenty-one, Twenty-two, and Twenty-four of The Railways Clauses Consolidation (Scotland) Act, 1845, and the Provisions of the same Act with respect to the temporary Occupation of Lands near the Railway during the Construction thereof:

And for the Purposes of the present Section the Works authorized to be executed shall be deemed the Railway, and the Admiralty shall be deemed the Company, within the Meaning of the incorporated Provisions.

V.—MISCELLANEOUS.

Exception from Incorporation of Requirements as to Bonds.

20. Notwithstanding anything in this Act, so much of any Provision by this Act incorporated with any Act of the present or any future Session as requires a Bond to be given in relation to any Lands or Works shall not be incorporated with such Act, but in any such Case in lieu of such Bond, and with the same Effect as if such Bond were given, the Admiralty shall give an Undertaking in Writing to the like Purport (as nearly as Circumstances admit) as the Condition of such Bond.

Provision for Purchase Money, &c.

21. All Purchase Compensation or other Money under this Act, or under any Act of the present or any future Session, agreed to be paid by or recovered against the Admiralty, shall be paid by them out of Money to be provided and appropriated for that Purpose by Parliament.

Service of Notices, &c.

22. Any Notice, Summons, Writ, or other Document required to be served on the Admiralty for the Purposes of this Act, or of any Act of the present or any future Session, may be served by being delivered to the Secretary of the Admiralty, or by being sent to him by Post in a registered Letter, addressed to him at the Admiralty Office, Whitehall, London, or by being left for him there; and any Document so sent by Post shall be considered as served on the Day on which such Letter would be delivered in the ordinary Course of Post.

Any Notice, Summons, Writ, or other Document required to be served on behalf of the Admiralty for the Purposes aforesaid may be given under the Hand of such Officer or Person as the Admiralty from Time to Time direct.

Application of pecuniary Penalties, &c.

23. Notwithstanding anything in this Act, or in any Act relating to Municipal Corporations or to the Metropolitan Police, or in any other Act contained, any pecuniary Penalty or other Money recovered under this Act, or under any such Act of the present or any future Session as in this Act is mentioned, or in relation to Lands purchased or taken by the Admiralty under this Act or any such Act, shall be paid and applied as the Admiralty direct.

Protection to Admiralty against Penalties, &c.

24. The Admiralty shall not, by reason of anything done or omitted to be done in the Execution or intended Execution or in pursuance of this Act or of any such Act of the present or any future Session as in this Act is mentioned, or in relation to any Lands purchased or taken by them under this Act or under any such Act, be liable collectively or individually to any Fine, Penalty, or Forfeiture, or to Execution of any Process against the Person or Property,

Property, anything in any Act incorporated with this Act or with any such Act notwithstanding.

Saving for Powers of Admiralty.

25. Nothing in this Act shall take away or prejudicially affect any Power, Right, or Authority relative to the Acquisition, Use, Management, Leasing, or Sale of Lands, or to the Execution of Works, that would or might have been vested in or exercised by the Admiralty if this Act had not been passed.

Admiralty Lands and Works.

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B I L L

To make Provision respecting the Acquisition of Lands required by the Admiralty for the Public Service, and respecting the Use and Disposition thereof, and the Execution of Works thereon.

(*Prepared and brought in by Lord Clarence Paget and Mr. Childers.*)

Ordered, by The House of Commons, *to be Printed*, 3 *May* 1864.

[Bill 88.]

Under 2 oz.

Appeal in Criminal Cases Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Court to be called Court of Criminal Appeal; Sect. 1.

Rule Nisi for new Trial or Verdict of Not Guilty may be granted by the Courts at Westminster or Court of Criminal Appeal, and heard and determined by Court of Criminal Appeal. No Appeal unless Barrister certify reasonable Ground. The Question of Insanity may be tried separately; 2.

Three Judges to meet on the 10th of September, or such other Day as the Court of Criminal Appeal shall appoint; 3.

The Time for making the Motions for Rules Nisi. Further Time may be granted for moving; 4.

Any Person may apply on behalf of any Convict to have the Question of his Insanity tried; 5.

The Order of the Court shall be obeyed by all the Sheriffs and others; 6.

The Mode of serving the Rule Nisi, if granted. The Mode of Proceeding if the Rule be refused; 7.

The Proceedings when a new Trial is ordered. When a Verdict of Not Guilty is entered or the Judgment is arrested; 8.

Proceedings when the Court refuses the Rule Nisi, or affirms Verdict of Guilty. When the Party is in Custody. When the Party is at large; 9.

Proceedings as to Sentence when an Appeal has been made. When the Sentence is postponed; 10.

Sentence on Defendants in Cases where Sentence has not been pronounced by the Court before whom Defendant was tried; 11.

The Defendants need not be present at Motions in Courts; 12.

Copies of the Record; 13.

Copy of Indictment to be delivered before or after Trial on Application of Defendant. Punishment for Forgery of Indictment, &c.; 14.

Records may be removed from General or Quarter Sessions to be tried at the Assizes either on the Criminal or the Civil Side thereof or by a Special Jury; 15.

Interpretation Clause; 16.

The Construction of this Act; 17.

Commencement of this Act; 18.

A

BILL

TO

Amend an Act of the Session of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-eight, to provide a further Appeal in Criminal Cases, and for the further Amendment of the Administration of the Criminal Law.

Preamble.

WHEREAS by an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act for the "further Amendment of the Administration of the Criminal Law," Chapter Seventy-eight, the Justices of either Bench and Barons of the Exchequer, or such a Quorum of them as is therein specified, are empowered to hear and determine any Question of Law which shall have arisen on the Trial of any Treason, Felony, or Misdemeanor, in the Manner therein mentioned: And whereas it is expedient to extend the Jurisdiction of the said Justices and Barons, and to provide for an Appeal by or on the Behalf of Defendants in Criminal Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Court to be called Court of Criminal Appeal.

1. The Court held by the said Justices and Barons, or any Quorum of them, whether under the said Act or this Act, shall be and be called the Court of Criminal Appeal.

Rule Nisi for new Trial or Verdict of Not Guilty may be granted by the Courts at Westminster or Court of Criminal Appeal, and heard and determined by Court of Criminal Appeal.

2. Whenever any Defendant shall have been found guilty of any Treason or Felony, it shall be lawful for Her Majesty's Court of Queen's Bench, Her Majesty's Court of Common Pleas, Her Majesty's Court of Exchequer, or the said Court of Criminal Appeal, upon Motion to be made by or on behalf of such Defendant, upon Affidavit or otherwise, to grant a Rule to show Cause why the Verdict of Guilty so found, and all Proceedings, if any, thereupon had, should not be set aside and a new Trial had, or a Verdict of Not Guilty be entered in lieu thereof, and Judgment thereupon, or why the Judgment should not be arrested or reversed; and in case any such Rule shall be granted, the Matter of such Rule shall be heard and determined before the said Court of Criminal Appeal; and the said Court shall have full Power and Authority to hear and determine the Matter of the said Rule, and to order that the Verdict of Guilty, and all Proceedings, if any thereupon had, shall be set aside, and that a new Trial shall be had, and that a Verdict of Not Guilty shall be entered in lieu thereof, and of the Judgment thereupon, if any Judgment shall have been given, or that the Judgment shall be arrested or reversed, or to make such other Order as Justice shall require: Provided, that no such Motion shall be made unless a Barrister at Law shall have certified under his Hand that there is in his Judgment reasonable Ground to appeal: Provided also, that if it shall appear to the said Court of Criminal Appeal that any new or further Inquiry is expedient as to any particular Question of Fact or otherwise, but that it is not expedient that the whole Case should be tried again, it shall be lawful for the said Court to order such Question to be tried in the like Manner and before the same Court as would have tried the Case if a new Trial had been granted; and every such Question shall be inserted in a Rule, and the Jury shall be duly sworn to try the said Question; and in every such Case it shall be lawful for the said Court of Criminal Appeal, if it shall think fit, to postpone its Determination as to the said Rule until such Question shall have been so tried, and then to determine the said Rule: Provided also, that in every Case in which any Application shall be made on the Ground of the alleged Insanity of the Defendant, the said Court of Criminal Appeal, if it shall think there be reasonable Ground for an Inquiry into such Insanity, may order the Question to be tried separately, whether any other Question may or may not be ordered to be tried.

No Appeal unless Barrister certify reasonable Ground.

The Question of Insanity may be tried separately.

3. It

Three Judges to meet on the 10th of September, or such other Day as the Court of Criminal Appeal shall appoint.

3. It shall be lawful for Three or more of the said Justices and Barons, and they are hereby required to meet on the *10th Day of September* in every Year, or, in case that Day be a Sunday, on the *Eleventh* Day of that Month, or on such other Day in the said Month, or in the Month of *August*, and on any other Day or Days at any other Periods of the Year, as the said Court of Criminal Appeal shall, previously to the Commencement of the Summer Circuits, or at any other Time or Times respectively, think fit to appoint; and such Justices and Barons shall then and there constitute and be the said Court of Criminal Appeal; and the said Justices and Barons shall have full Power and Authority to hear and determine any Motion for any such Rule to show Cause as aforesaid which shall be made to them by or on behalf of any such Defendant, and to refuse or grant any such Rule; and in case any such Rule shall be granted by the said Justices and Barons, the Matter of such Rule shall be heard and determined before the said Court of Criminal Appeal in like Manner in all respects as where a Rule Nisi shall have been obtained in any of the said Courts at Westminster as aforesaid. And whenever the Day of such Sitting shall be appointed as aforesaid, a Notice thereof shall be published in the Gazette; and the said Justices and Barons shall have full Power and Authority to adjourn from Day to Day, or to any future Day, in order to dispose of any Applications which may be made to them for such Rules Nisi as aforesaid.

The Times for making the Motions for Rules Nisi.

Further Time may be granted for moving.

4. It shall be lawful for the said Court of Criminal Appeal to make, and from Time to Time to vary and amend, any Rules or Orders specifying the Time or Times within which Applications under this Act shall be made: Provided, that it shall be lawful for any of the said Courts at Westminster, or for the said Court of Criminal Appeal, to grant to any Defendant such further Time as to such Court shall seem meet for the Purpose of making any such Motion. And in case of any alleged Insanity, or of the Discovery of any new Facts or Witnesses, or of any other special or unforeseen Circumstance, it shall be lawful for any of the said Courts at Westminster or the said Court of Criminal Appeal to hear and determine any such Application for a Rule Nisi, although the same shall not be made within any of the Times by any such Rules specified, and whether or not any such Application shall have previously been made, in case such Court shall be satisfied that reasonable Grounds exist satisfactorily to account for such Motion not having previously been made, or that the Justice of the Case requires that it should be further considered.

Any Person may apply on behalf of

5. It shall be lawful for any Person to apply to any of the said Courts at Westminster, or to the said Court of Criminal Appeal, on behalf

any Convict to have the Question of his Insanity tried.

behalf of any Defendant who has been found guilty, at any Time after such Conviction, upon the Ground of the Insanity of such Prisoner, (either at the Time when he was tried, or at any Time afterwards,) and such Court or Justices and Barons may thereupon grant or refuse a Rule to show Cause why the Question of the Insanity of such Defendant should not be inquired into; and in case such Rule shall be granted, the same shall be heard and determined by the said Court of Criminal Appeal, which shall have full Power and Authority to hear and determine the same, and to order the said Question to be tried or not, as to it shall seem fit; and in case the said Court shall order the same to be tried, it shall be lawful for the said Court to order the same to be tried, either before the Court before which a new Trial, if granted, would be tried, or at the Central Criminal Court; and in every such Case the Order of the said Court of Criminal Appeal shall be a full and sufficient Authority for the Court before which such Questions shall be ordered to be tried to swear a Jury composed of the Jurymen present at any Sitting of the said Court to try the said Question; and in case such Jury shall find that the Defendant is or has been insane as alleged, such Defendant shall be dealt with in the same Manner in all respects as if he had been found or declared to be insane by a Verdict of a Jury on his Arraignment or Trial, or by any competent Authority after his Trial, as the Case may be.

The Order of the Court shall be obeyed by all the Sheriffs and others.

6. Whenever any such Motion shall be refused or granted, or any such Rule shall be made absolute, a Rule shall be drawn up containing the Judgment or Order of such Court; and every such Rule and the Judgment or Order contained in such Rules shall in all Things be performed, obeyed, and executed by all Sheriffs, Gaolers, and other Officers to whom Obedience to such Rules, Judgments, or Orders may appertain.

The Mode of serving the Rule Nisi, if granted.

7. Whenever a Rule Nisi shall be granted, the Defendant shall cause an Office Copy of such Rule Nisi to be served upon the Prosecutor or his Attorney, and upon Her Majesty's Attorney General; and whenever any such Rule shall be made absolute, the Defendant shall cause an Office Copy of such Rule to be served upon the Sheriff or Under Sheriff of the County in which such Defendant shall have been tried, and on the Officer in whose Custody the Indictment on which such Defendant shall have been tried shall be; and in case such Defendant shall be in Custody, then also upon the Gaoler or other Officer in whose Custody such Defendant shall be; and whenever any such Motion shall be refused, or any Verdict of Guilty or Judgment shall be affirmed, the Prosecutor, or the

The mode of Proceeding if the Rule be refused.

the Attorney General in case the Prosecutor be dead or cannot be found, shall cause an Office Copy of the Rule to be served upon the Sheriff or Under Sheriff and other Officers herein-before mentioned; and every such Officer in whose Custody such Indictment as aforesaid shall be shall, upon being served with any such Office Copy of any such Rule as aforesaid, indorse on the Back of such Indictment a true and correct Minute or Note thereof, and shall file such Copy of such Rule with the said Indictment; and every such Rule when so indorsed on the said Indictment shall have the Force or Effect of a Judgment: Provided, that in case upon any Application for a Rule Nisi it shall be made to appear upon Affidavit to the said Court of Criminal Appeal that the Prosecutor is dead or cannot be found, and that the Attorney General has had reasonable Notice in Writing thereof, it shall be lawful for such Court to hear and determine such Motion in like Manner as if the Prosecutor had been duly served with an Office Copy of such Rule Nisi as aforesaid.

The Proceedings when a new Trial is ordered.

8. In all Cases where the said Court of Criminal Appeal shall order a new Trial or a Trial of any Question of Fact to be had, it shall be lawful for the said Court, by the same Rule whereby such Trial shall be granted, to order when such Trial shall take place; and in all Cases wherein a new Trial shall be ordered, the same shall be had in like Manner as if no former Trial had taken place; and the Court before whom any such new Trial shall be had shall have the like Power, Jurisdiction, and Authority to proceed to Judgment, and to pass Sentence, and to order Costs, and to do all other Acts, Matters, or Things whatsoever as the Court before whom such former Trial was had; and all such Acts, Matters, and Things shall have the like Force and Effect as if the same had been done by the Court before whom such former Trial was had; and in all Cases where the said Court of Criminal Appeal shall order a Verdict of Not Guilty to be entered, or the Judgment to be arrested or reversed, and the Defendant shall then be in Custody, the Gaoler or other Officer in whose Custody the Defendant shall then be, shall, upon Service of an Office Copy of the Rule containing such Order as last aforesaid, forthwith discharge such Defendant out of Custody as to the Offence whereof the Defendant shall have been found Guilty as aforesaid; and in every Case where the said Court shall make such Order as last aforesaid, and the Defendant shall then be at large upon Recognizances to appear and receive Judgment or otherwise in relation to such Offence, such Order shall be and be deemed and taken to be a full and complete Discharge and Satisfaction of such Recognizances.

When a Verdict of Not Guilty is entered or the Judgment is arrested.

Proceedings when the Court refuses the Rule Nisi, or affirms Verdict of Guilty.

When the Party is in Custody.

9. In all Cases where any such Motion for a Rule Nisi shall be refused, or any Verdict of Guilty or any Judgment against any Defendant shall be affirmed, and such Defendant shall then be in Custody, awaiting the Determination of such Motion, and Sentence shall have been pronounced upon such Defendant, the Sheriff and the Gaoler or other Officer in whose Custody such Defendant shall then be, and all other Officers to whom the Execution of such Sentence shall pertain shall, upon Service of an Office Copy of the Rule of such Court refusing such Motion or affirming such Verdict or Judgment, proceed to carry such Sentence into execution, according to due Course of Law; and in all Cases where any such Motion shall be refused or any Verdict of Guilty or Judgment shall be affirmed, and the Defendant shall then be at large, it shall be lawful for the Court refusing such Motion, or the Court of Criminal Appeal affirming such Verdict or Judgment, to issue a Warrant for Apprehension and for conveying him to the proper Gaol or House of Correction, in order that such Defendant may undergo such Punishment as shall have been or shall be awarded against him; and such Warrant shall be of Force and Effect throughout England, and may be executed by any Officer of the said Court, or any Constable or Peace Officer in England.

When the Party is at large.

Proceedings as to Sentence when an Appeal has been made.

When Sentence is pronounced.

10. If any Defendant having been found Guilty shall by himself or his Counsel or Attorney before Sentence is pronounced declare his Intention to appeal by Motion or to bring a Writ of Error, or if the Court before whom such Defendant shall have been tried shall reserve any such Question of Law as aforesaid, or shall otherwise think proper, it shall be lawful for such Court in its Discretion either to pronounce a Sentence to be carried into execution at such Time after the Determination of such Appeal, Writ of Error, or Question reserved as aforesaid, as to such Court shall seem meet, or to postpone the pronouncing of Sentence until after such Determination as aforesaid, or to pronounce a Sentence to be executed as if no such Appeal or Writ or Error were to be made or brought, or Question were to be reserved; and in case such Court shall postpone the Sentence as aforesaid, or pronounce a Sentence to be carried into execution after such Determination as aforesaid, it shall be lawful for such Court in its Discretion to order such Defendant to be detained in Custody until the Determination of such Appeal, Writ of Error, or Question of Law reserved as aforesaid, or to be discharged out of Custody upon entering into such Recognizance, either with or without Sureties, and subject to such Condition as to such Court in its Discretion may seem meet, and every such Recognizance shall be and continue in full Force and Effect until the Condition of such Recognizance shall have been fully performed; and in every Case where

where any Court shall have postponed passing Sentence upon any Defendant, and the Verdict against such Defendant shall be affirmed, it shall be lawful for the Court of Criminal Appeal, if it shall think fit, to pronounce Sentence upon such Defendant; and every such Sentence shall have the same Force and Effect to all Intents and Purposes whatsoever as if the same Sentence had been pronounced by the Court before whom such Defendant was tried; and every such Sentence shall be inserted in the Rule of Court to be made as aforesaid, and form Part of the Judgment or Order of such Court, and shall be carried into effect, and in all things be performed, obeyed, and executed by all Sheriffs, Gaolers, and other Officers to whom the Execution thereof shall appertain.

When the Sentence is postponed.

11. Whenever any Court before whom any Defendant shall have been found Guilty shall have postponed pronouncing Sentence upon any such Defendant, and the said Court of Criminal Appeal shall have affirmed such Verdict, but shall not have pronounced Sentence upon any such Defendant under the Provisions of this Act, it shall be lawful for any Judge at the Central Criminal Court, or any Judge of Assize, Oyer and Terminer, Gaol Delivery, or Nisi Prius, or any Justices of the Peace at any General or Quarter Sessions of the Peace, or any Recorder of any Borough, or any Judge of any other Court which has or hereafter shall have Jurisdiction to try any Felony or Misdemeanor, at any Session of such Court before which such Defendant shall have been so found Guilty as aforesaid, holden after such Verdict shall have been affirmed as aforesaid, to pronounce Sentence upon such Defendant in like Manner as the Court before which such Defendant was tried might have pronounced such Sentence; and every such Sentence so pronounced as last aforesaid shall be good and valid in Law to all Intents and Purposes whatsoever.

Sentence on Defendants in Cases where Sentence has not been pronounced by the Court before whom Defendant was tried.

12. It shall in no Case be necessary for any Defendant to be present before any of the said Courts during the moving, hearing, or determining any Case under the Provisions of this Act, and every Judgment pronounced by the said Court of Criminal Appeal under the Provisions of this Act in the Absence of any Defendant shall be as valid and effectual as if the Defendant had been present when the same was pronounced; and where several Defendants are jointly indicted, it shall be lawful for any of such Defendants to apply for a Rule Nisi as aforesaid, and such Applications shall be dealt with in the same Manner in all respects as if such Defendants had been separately indicted, and it shall not be necessary to make any other Defendant a Party to any such Application.

The Defendants need not be present at Motions in Courts.

Copies of the Record.

13. Whenever any Motion shall be made which shall render it necessary to produce a Copy of the whole or any Part of any Indictment or Record before any of the said Courts or Justices and Barons, the Defendant shall before or at the Time of making such Motion as aforesaid cause such Copy, certified by the proper Officer, as herein-after provided, to be produced before the said Court or Justices and Barons: Provided, that if in any Case such Copy shall not be so produced, and the Court or Justices and Barons shall think it necessary that such Copy should be produced, it shall be lawful for the said Court or Justices and Barons to order such Copy to be obtained by the Defendant and produced, or to be otherwise produced as the Court shall order, and for that Purpose to adjourn the Case till such Time as shall seem fit.

Copy of Indictment to be delivered before or after Trial on Application of Defendant.

14. In all Cases of Prosecution for any Crime or Misdemeanor, a Copy of the whole or any Part of the Indictment or Record shall be delivered, either before or after Sentence has been pronounced, to the Defendant, or his Clerk in Court, or Attorney, upon Application made for the same to the Clerk of Assize, or other Officer who shall have the Custody of such Indictment or Record, at a reasonable Time and Place, on Payment of a reasonable Sum for the same, not exceeding for each Folio of Ninety Words; and every such Copy shall be signed and certified to be a true Copy of the whole or Part of such Indictment or Record, as the Case may be, by the Clerk of Assize, or such other Officer so having the Custody of such Indictment or Record, or by the Deputy of such Clerk or other Officer; and every such Copy purporting to be signed and certified as aforesaid shall be deemed and taken to all Intents and Purposes whatsoever to be as good and effectual as the whole or Part of the Indictment or Record whereof it is a Copy, as the Case may be, without Proof of the Signature or official Character of the Person appearing to have signed the same; and every such Clerk of Assize, Officer, and Deputy as aforesaid, who shall certify any Writing as a true and authentic Copy of the whole or any Part of any Indictment or Record, knowing the same to be false in any material Part; and every Person who shall counterfeit the Signature of any such Clerk, Officer, or Deputy as aforesaid, for the Purpose of counterfeiting or certifying any Copy of the whole or any Part of any Indictment or Record, or shall alter any such Copy of the whole or of any Part of any Indictment or Record with a false or counterfeit Signature thereto, knowing the same to be false or counterfeit, or shall utter any Writing as a true and authentic Copy of the whole or of any Part of any Indictment or Record so certified as aforesaid, knowing the same to be false in any material Part, shall be guilty of Felony, and being duly convicted thereof, shall be liable at the Discretion of the Court to be kept in Penal Servitude *for Life*, or for any Term not less than

Punishment for Forgery of Indictment, &c.

Three

Three Years, or to be imprisoned for any Term not exceeding *Two* Years, with or without Hard Labour.

Records may be removed from General or Quarter Sessions to be tried at the Assizes either on the Criminal or the Civil side thereof or by a Special Jury.

15. And whereas it is sometimes expedient and conducive to the Ends of Justice that an Indictment found at the General or Quarter Sessions of the Peace should be tried at the Assizes to be holden for the same County wherein such Court of Sessions is holden, or that an Indictment found at the Assizes or at the Central Criminal Court should be tried on the Civil Side or by a Special Jury, it shall be lawful for any of the said Courts at Westminster, or any Judge of the said Courts to order that any Indictment found at any General or Quarter Sessions of the Peace shall be tried at the Assizes to be holden in the same County wherein the said Court of Sessions is holden, either on the Civil or Crown Side, and that any Indictment found at the General or Quarter Sessions of the Peace, or at the Assizes, or at the Central Criminal Court, shall be tried by a Special Jury; and in every Case where such Indictment shall be ordered to be tried by a Special Jury such Jury shall be struck in the same Manner as Special Juries are now struck where any Indictment is removed by Certiorari into Her Majesty's Court of Queen's Bench, and afterwards tried by a Special Jury; and where any Indictment found at any Quarter Sessions shall be ordered to be tried at the Assizes the Clerk of the Peace or his Deputy shall, upon being served with an Office Copy of such Rule or Order, transmit such Indictment to the Clerk of Assize for the County where such Indictment was found, or where such Indictment shall be ordered to be tried; and every Trial and all Proceedings had under and by virtue of any such Order shall be as good, valid, and effectual to all Intents and Purposes as if the same Trial and Proceedings had taken place in the usual and ordinary Course; and every Court by whom any Trial shall take place by virtue of any such Order shall have the same Power, Jurisdiction, and Authority to pass Sentence, to award Costs, and to do all other Matters and Things to all Intents and Purposes as if the Court before which the Indictment shall be so tried were the Court before which the Indictment would have been tried in the ordinary Course.

Interpretation Clause.

16. Wherever in this Act Words have been used importing the Singular Number or the Masculine Gender only, yet the Act shall be understood to include Several Matters as well as One Matter, and several Persons as well as One Person, and Females as well as Males, and Bodies corporate as well as Individuals, unless there be something repugnant to such Construction; and the Word "Defendant" shall be construed to include any Person or Persons or the Inhabitants of any County, Riding, Borough, County of a

City, County of a Town, Parish, Township, Hundred, or any other District, or any Body corporate indicted for any Felony or Misdemeanor; and the Word "Indictment" shall be construed to include any Indictment, Information, Presentment, or Inquisition; and the Word "Record" shall be construed to include all Rolls, Records, Writs, and Documents whatsoever in the Nature of Records; and the Word "County" shall be construed to include any County, Riding, County of a City, County of a Town, City, Cinque Port, Borough, or Town corporate.

The Construction of this Act.

17. This Act and every Clause and Provision therein contained shall be construed liberally and beneficially, and so as to effect the Objects and Intentions of this Act, in as full and ample a Manner in all respects as may be.

Commencement of this Act.

18. This Act shall commence and take effect from and after the

Appeal in Criminal Cases Act Amendment.

A

B I L L

To amend an Act of the Session of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-eight, to provide a further Appeal in Criminal Cases, and for the further Amendment of the Administration of the Criminal Law.

(Prepared and brought in by Sir FitzRoy Kelly, Mr. William Ewart, and Mr. M'Mahon.)

Ordered, by The House of Commons, *to be Printed* 12 *February* 1864.

[Bill 14.]

Under 2 oz.

A

B I L L

FOR

Amending the Act 11th & 12th George the Third, Cap. 17. (I.), in respect of the Charges on the Revenues of the Archbishopric of Armagh.

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to alter and amend the Laws "relating to the Temporalities of the Church in Ireland," and thereby it was (after and amongst other things) enacted, that when and so soon as the Archbishopric of Armagh shall become void, the Successor thereto and his Successors for ever, Archbishops of Armagh, shall, from and out of the Revenues of the said Archbishopric, pay over to the Ecclesiastical Commissioners for Ireland the annual Sum of Four thousand and five hundred Pounds, the remaining Portion of the Income of the See being also liable to a Tax at the Rate of Fifteen Pounds per Centum: And whereas there exist Charges amounting to a Sum of Twelve thousand eight hundred and eighty-four Pounds One Shilling and Fivepence upon the Revenues of the said Archbishopric for the Erection of a See House and Offices and Improvements therein, and for enclosing the Demesne, duly certified by Certificates under the Provisions of

Preamble.

3 & 4 W. 4. c. 37. s. 54.

11 & 12 G. 3. c. 17. the Act Eleventh and Twelfth of George the Third, Chapter Seventeen: And whereas the first Successor of the late Most Reverend
14 & 15 Vict. c. 71. Lord John George Beresford, Archbishop of Armagh, after paying the aforesaid Charges, will be unable, under the Laws now in force, to recover from his Successor any larger Proportion thereof than Six thousand and twenty Pounds Seven Shillings and Eightpence, and he will therefore be a Loser of Six thousand eight hundred and sixty-three Pounds Thirteen Shillings and Ninepence; and his Successor will be entitled to receive from his next Successor a Sum of Two thousand six hundred and thirty-seven Pounds One Shilling and Tenpence, and will be a Loser of Three thousand three hundred and eighty-three Pounds Five Shillings and Tenpence; and the Third in Succession to the late Archbishop of Armagh, having paid a Sum of Two thousand six hundred and thirty-seven Pounds One Shilling and Tenpence, will lose the whole of that Sum: And whereas it is just and reasonable, in consequence of the great Reduction of the Revenues of the Archbishopric of Armagh, to lighten the Burden of the aforesaid Charges on the first of the Successors by distributing it amongst a greater Number of Successors than it is now by Law assigned to: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

1. That the first Successor of the late Archbishop of Armagh, having paid to the Representatives of the said late Archbishop the entire Sum of Twelve thousand eight hundred and eighty-four Pounds One Shilling and Fivepence now remaining due on account of Buildings and Im-
11 & 12 G. 3. c. 17. (I.) s. 4. provements in the See House and Offices, and the enclosing of the Demesne, he or his Representatives shall be entitled to and receive or recover from his next Successor in the said Archbishopric, or from his Representatives, Three Fourths of the said Sum, which Successor having paid the said Three Fourths of the said Sum shall be entitled to and receive from his Successor, or his Representatives, Two Thirds thereof, that is, One Moiety of the Sum of Twelve thousand eight hundred and eighty-four Pounds One Shilling and Fivepence; which Successor having paid the said Moiety, he, or his Representatives, shall be entitled to and receive from his next Successor, or his Representatives, One Half thereof, that is, One Fourth of the entire Sum now remaining charged on the Revenues of the Archbishopric of Armagh for Buildings and Improvements in the See House and Offices, and for enclosing the Demesne; and the several Sums apportioned by this Act to be paid by the several Successors of the late Archbishop of Armagh shall be Charges upon the Revenues of the said

said See, and may be paid and recovered within the Times and in the same Manner as Charges for Ecclesiastical Buildings and Improvements may be paid and recovered under the Laws now in force: Provided that no Archbishop shall be deemed a Successor within the Intention of this Act liable to the Payment of any Part of any Sum of Money charged on the Archbishopric of Armagh by this Act who shall die or resign or be removed from the said Archbishopric within the Space of One Year from the Death, Resignation, or Removal of the Archbishop immediately preceding him in the said Archbishopric.

9 G. 2. c. 13. (I.) s. 2.

Armagh Archiepiscopal Revenues.

A

B I L L

For amending the Act 11th & 12th George the Third, Cap. 17. (I.), in respect of the Charges on the Revenues of the Archbishopric of Armagh.

(Prepared and brought in by Sir Hugh Cairns and Mr. Whiteside.)

Ordered, by The House of Commons, *to be Printed* 13 *July* 1864.

[Bill 202.]

Under 1 *oz.*

A

BILL

TO

Amend the Law relative to the Payment of the Shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces.

WHEREAS by Section Twenty-five of the Act of the Session of the Second and Third Years of King William the Fourth (Chapter Fifty-three), "for consolidating "and amending the Laws relating to the Payment of Army Prize "Money," it is enacted that it shall be lawful for the Commissioners of the Royal Hospital at Chelsea to authorize their Treasurer or Deputy Treasurer to pay to any Person or Persons who shall prove him, her, or themselves, to the Satisfaction of such Commissioners, or of the said Treasurer or Deputy Treasurer, to be the Next of Kin or legal Representative, or otherwise entitled to any Share of Prize Money, belonging to any deceased Officer, Soldier, or other Person, any such Share not exceeding Fifty Pounds, although such Person shall not have regularly taken out Letters of Administration to or have procured the Probate of any Will of the Party originally entitled thereto, to enable him legally to demand such Share of Prize Money: 2 & 3 W. 4. c. 53. s. 25.

And whereas it is expedient to enlarge and better define the Powers of the said Commissioners with respect to the Payment of small Sums of Prize and other Money belonging to deceased Officers

and Soldiers, and to indemnify the said Commissioners in respect of the Exercise of such Powers:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as The Army Prize (Shares of Deceased) Act, 1864.

Interpretation of "Prize Money."

2. In this Act the Term "Prize Money" includes Bounty Money, Grant, or other Allowance of Money in the Nature of Prize or Grant, in the Hands of the Commissioners of the Royal Hospital at Chelsea, or of their Treasurer, Deputy Treasurer, or Secretary, for Distribution.

Repeal of recited Enactment, and Substitution of new Provision.

3. Section Twenty-five of the recited Act is hereby repealed, and in lieu thereof the following Provision shall take effect as Part of the recited Act; namely,—

The Commissioners of the Royal Hospital at Chelsea may in any Case, if they think fit, authorize their Treasurer or Secretary to pay the Share of Prize Money, not exceeding Fifty Pounds, belonging to any deceased Officer, Soldier, or other Person, to or among any Person or Persons showing himself, herself, or themselves, to the Satisfaction of the said Commissioners, to be entitled thereto or to Shares thereof (as the Case may be), without Probate of the Will or Letters of Administration to the Estate of any deceased Person being obtained or taken out.

Indemnity to Commissioners.

4. Every Payment made in pursuance of this Act shall be good and valid as against all Persons; and the said Commissioners and their Treasurer and Secretary for the Time being are by virtue of this Act absolutely discharged from all Liability in respect of any Money paid in pursuance of this Act.

Indemnity for past Payments.

5. Any Payment made before the *passing of this Act*, that would have been valid if made after the passing of this Act, shall be deemed good and valid as against all Persons; and the said Commissioners, and every their Treasurer, Deputy Treasurer, and Secretary for the Time being are by virtue of this Act absolutely discharged from all Liability in respect of any Money so paid.

Army Prize (Shares of Deceased).

A

B I L L

To amend the Law relative to the Payment of the Shares of Prize and other Money belonging to deceased Officers and Soldiers of Her Majesty's Land Forces.

(*Prepared and brought in by* (*Mr. Hutt and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 11 *May* 1864.

[Bill 105.]

Under 1 *oz.*

A

BILL

TO

Make Provision for replacing the lapsed Issue of Bank Notes in Scotland upon Payment from Time to Time of a certain Charge in respect thereof.

WHEREAS by an Act passed in the Session of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Thirty-eight, after directing the Commissioners of Stamps and Taxes to ascertain in manner therein mentioned, and certify under their Hands to each Bank in Scotland then legally issuing its own Bank Notes, the average Amount of its Circulation during the Year preceding the First May One thousand eight hundred and forty-five, it was provided that such Bank should thenceforth be prohibited from issuing its own Bank Notes beyond the said certified Amount, and the average Amount of Gold and Silver Coin, held by it, as therein mentioned: And whereas the Sums certified under the Provisions of the said Act as the Amounts authorized to be issued by the said Banks as before mentioned form a Total of Three millions eighty-seven thousand two hundred and nine Pounds: And whereas since the Date of the recited Act divers Changes have taken place in the Banks in Scotland authorized to issue their own Notes, and that Privilege is now confined to the Banks named in the Schedule hereto annexed: And whereas

Preamble. 8 & 9 Vict. c. 38.

the Total of the said certified Issue in Scotland has been reduced by the Sum of Three hundred and thirty-seven thousand nine hundred and thirty-eight Pounds, in consequence of the Western Bank of Scotland having ceased to carry on Business: And whereas the average Amount of Gold and Silver Coin held by the then existing Banks of Issue in Scotland during the Four Weeks ending on the Third Day of January One thousand eight hundred and forty-six, according to the Returns published in pursuance of the said Act, was One million one hundred and eighty thousand four hundred and six Pounds; and the average Amount of Gold and Silver Coin held by the Banks named in the Schedule hereto annexed, during the Four Weeks ending on the Ninth Day of January One thousand eight hundred and sixty-four, according to the said Returns, was Two millions three hundred and fifty thousand six hundred and sixty-seven Pounds: And whereas it is expedient that the said Sum of Three hundred and thirty-seven thousand nine hundred and thirty-eight Pounds should be replaced as Part of the certified Issue, and should be distributed among the several Banks named in the Schedule hereto annexed, in the Proportions specified in the Second Column thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Banks authorized to add Sums in Second Column of Schedule to their certified Issue.

1. The Banks named in the Schedule hereto annexed are hereby authorized to add to their certified Issue under the recited Act the several Sums set against their respective Names in the Second Column of the said Schedule, and to continue the said additional Issue until Parliament otherwise determines; thereby making the Bank Notes issuable by the said Banks respectively (exclusive of Bank Notes equal to the average Amount of Gold and Silver Coin held by them, as provided by the said Act,) amount to the Sums set against their respective Names in the Third Column of the said Schedule.

Payments by Banks in respect of additional Issue.

2. The said Banks shall respectively pay half-yearly on the *First* Day of *April* and the *First* Day of *October* in each Year, to the Receipt of Her Majesty's Revenue in Scotland, a Sum at the Rate of *Two Pounds Seven Shillings and Sixpence* per Centum per Annum on the Amount set against their respective Names in the Second Column of the said Schedule; the first Payment to be made on the *First* Day of *October* after the passing of this Act, for the Half Year or proportional Part of the Half Year preceding, and they shall continue to make the said Payments until the Right of Issue under this Act is altered or withdrawn.

3. In

3. In consideration of the Payments to be made as aforesaid by the said Banks to the Receipt of Her Majesty's Revenue each of the said Banks shall be exempt from Stamp Duty on the Bank Notes issued by it to the Amount set against its Name in the Second Column of the said Schedule. Banks exempted from Stamp Duty on Notes to Amount of additional Issue.

4. In the event of any Two or more of the said Banks being united in the Manner specified in the recited Act, the additional Issue authorized by this Act shall be deemed to be Part of the aggregate Amount of Issue by the said Act directed to be certified in the Case of such Union. Provision for certified Issue in case of united Banks.

5. This Act may be cited as "The Bank Notes (Scotland) Act, 1864." Short Title.

SCHEDULE referred to in this Act.

Name of Bank.	Certified Issue.	Additional Issue.	Total Issue, exclusive of Amount equal to Coin.
	£	£	£
Bank of Scotland - - -	300,485	38,079	338,564
Royal Bank of Scotland - -	183,000	50,258	233,258
British Linen Company - -	438,024	36,677	474,701
Commercial Bank of Scotland - -	374,880	39,715	414,595
National Bank of Scotland - -	297,024	39,432	336,456
Union Bank of Scotland - -	454,346	34,677	489,023
Aberdeen Town and County Banking Company - - - -	70,133	11,184	81,317
North of Scotland Banking Company -	154,319	11,779	166,098
Dundee Banking Company - -	33,451	3,589	37,040
Clydesdale Banking Company - -	274,321	20,712	295,033
City of Glasgow Bank - -	72,921	42,027	114,948
Caledonian Banking Company - -	53,434	5,107	58,541
Central Bank of Scotland - -	42,933	4,702	47,635
	2,749,271	337,938	3,087,209

Bank Acts (Scotland).

A

BILL

To make Provision for replacing the lapsed Issue of Bank Notes in Scotland upon Payment from Time to Time of a certain Charge in respect thereof.

(Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,* 12 *February,* 1864.

[Bill 16.]

Under 1 *oz.*

A

BILL

TO

Authorize the Governor and Company of the Bank of England to issue their Notes in Scotland, and to make such Notes a legal Tender there.

WHEREAS by or under the Provisions of the Act of the Third and Fourth William the Fourth, intituled "An "Act for giving to the Corporation of the Governor "and Company of the Bank of England certain Privileges for a "limited Period and under certain Conditions," and the Act of the Seventh and Eighth Victoria, Chapter Thirty-two, intituled "An "Act to regulate the Issue of Bank Notes, and for giving to the "Governor and Company of the Bank of England certain Privi- "leges for a limited Period," the said Governor and Company are entitled to and have certain Rights and Privileges: And whereas by the first-mentioned Act it was enacted that from and after the First Day of August One thousand eight hundred and thirty-four, unless and until Parliament should otherwise direct, a Tender of a Note or Notes of the Governor and Company of the Bank of England, expressed to be payable to Bearer on Demand, should be a legal Tender to the Amount expressed in such Note or Notes, and should be taken to be valid as a Tender to such Amount for all Sums above Five Pounds on all Occasions on which any Tender

Preamble.
3 & 4 W. 4. c. 98.
7 & 8 Vict. c. 32.

of Money may be legally made, so long as the Bank of England should continue to pay on Demand their said Notes in legal Coin; provided always, that no such Note or Notes should be deemed a legal Tender of Payment by the Governor and Company of the Bank of England, or any Branch Bank of the said Governor and Company; but by the Act of the Eighth and Ninth Victoria, Chapter Thirty-eight, intituled "An Act to regulate the Issue "of Bank Notes in Scotland," it was enacted and declared, that nothing in the said first-mentioned Act contained should extend or be construed to extend to make the Tender of a Note or Notes of the Governor and Company of the Bank of England a legal Tender in Scotland: And whereas it is expedient that the Governor and Company of the Bank of England should be authorized to establish and open Branch Banks in certain Cities and Towns in Scotland, and to issue their Notes there, payable to Bearer on Demand, and that Bank of England Notes should be made a legal Tender in Scotland, in the same Manner as in England and Wales: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Bank of England authorized to open Branch Banks in Edinburgh and Glasgow, and to issue Notes there.

1. The Governor and Company of the Bank of England may from Time to Time establish and open One or more Branch Banks of the Bank of England in the City of Edinburgh and Town of Glasgow, or either of them, and may at such Branch Banks carry on all such Businesses as they are lawfully authorized to carry on in any of their Branch Banks in England, and may at such Branch Banks respectively make and issue Bank of England Notes as herein defined, and may make such Bank of England Notes specially payable at such Branch Banks respectively.

Bank of England Notes to be a legal Tender in Scotland.

2. From and after the *Day of* and until Parliament shall otherwise direct, and whether the said Governor and Company shall or shall not establish and open any such Branch Banks in Scotland as aforesaid, a Tender of a Bank of England Note or Notes shall be in Scotland, in the same Manner and to the same Extent as in England and Wales, a legal Tender to the Amount expressed in such Note or Notes, and shall be taken to be valid as a Tender to such Amount for all Sums above *Five Pounds* on all Occasions on which any Tender of Money may be legally made, so long as the Bank of England shall continue to pay on Demand their said Notes in legal Coin.

Provided always, that no such Note or Notes shall be deemed a legal Tender of Payment by the Governor and Company of the Bank of England, or any Branch Bank of the said Governor and Company,

Company, but the said Governor and Company are not to become liable or be required to pay and satisfy at any Branch Bank of the said Governor and Company any Note or Notes of the said Governor and Company not made specially payable at such Branch Bank, but the said Governor and Company shall be liable to pay and satisfy at the Bank of England in London all Notes of the said Governor and Company or of any Branch thereof.

3. The Fifteenth Section of the said Act, intituled "An Act to regulate the Issue of Bank Notes in Scotland," shall on and from the said *Day of* be repealed. 8 & 9 Vict. c. 38. s. 15. repealed.

4. All the Provisions of the said recited Acts of the Third and Fourth William the Fourth, Chapter Ninety-eight, and Seventh and Eighth Victoria, Chapter Thirty-two, so far as the same are now in force with respect to and are binding upon the said Governor and Company, shall extend and apply to any such Branch Banks which may be established or opened by the said Governor and Company in Scotland, and to the Issue and Circulation by them of Bank of England Notes in Scotland. 3 & 4 W. 4. c. 98. and 7 & 8 Vict. c. 32. to be applicable and extend to Branch Banks in Scotland.

5. Nothing in this Act contained shall extend or be construed to extend to make the Tender of a Bank of England Note a legal Tender in Ireland. Bank of England Notes not a legal Tender in Ireland.

6. In the Construction of this Act, unless the contrary is expressed or is to be inferred from the Context, the Expression "Bank of England Notes" means the Promissory Notes of the Bank of England payable to Bearer on Demand. Words signifying Persons extend and apply to Corporations, "mutatis mutandis." Interpretation.

Bank of England Notes (Scotland).

A

B I L L

To authorize the Governor and Company of the Bank of England to issue their Notes in Scotland, and to make such Notes a legal Tender there.

(*Prepared and brought in by Sir John Hay, Mr. Baxter, Mr. Dunlop, and Mr. Cargill.*)

Ordered, by The House of Commons, *to be Printed*, 23 *May* 1864.

[Bill 115.]

Under 1 *oz.*

A

B I L L

FOR

Impressing by Machinery Signatures of Names on Bank Notes and certain Bills of the Bank of Ireland.

WHEREAS it is expedient that the Name or Names of the Person or Persons for the Time being authorized by the Governor and Company of the Bank of Ireland to sign Bank Notes, Bank Post Bills, and Bank Bills of Exchange on behalf of the said Governor and Company should be impressed by Machinery upon such Bank Notes, Bank Post Bills, and Bank Bills of Exchange, in such Form as may from Time to Time be adopted by the said Governor and Company, instead of being subscribed in the Handwriting of such Person or Persons respectively: And whereas it is expedient to remove Doubts which might arise respecting the Validity of such Bank Notes, Bank Post Bills, and Bank Bills of Exchange: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Names on Bank Notes, &c. may be impressed by Machinery.

1. That from and after the *passing of this Act* all Bank Notes, Bank Post Bills, and Bank Bills of Exchange of the said Governor and

and Company whereon the Name or Names of any Person or Persons authorized to sign such Bank Notes, Bank Post Bills, and Bank Bills of Exchange, on behalf of the said Governor and Company, may be impressed by Machinery, in such Form as may from Time to Time be adopted by the said Governor and Company, and with the Authority of the same, shall be and be taken to be good and valid to all Intents and Purposes as if such Bank Notes, Bank Post Bills, and Bank Bills of Exchange had been subscribed in the proper Handwriting of the Person or Persons authorized by the said Governor and Company to sign the same respectively, and shall be deemed and taken to be Bank Notes, Bank Post Bills, and Bank Bills of Exchange within the Meaning of all Laws and Statutes whatsoever, and shall and may be described as Bank Notes, Bank Post Bills, and Bank Bills of Exchange in all Indictments and other Criminal and Civil Proceedings whatsoever, any Law, Statute, or Usage to the contrary notwithstanding.

Bank Notes, &c. Signature.

A

BILL

For impressing by Machinery Signatures of Names on Bank Notes and certain Bills of the Bank of Ireland.

(*Prepared and brought in by Mr. Peel and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 13 *July* 1864.

[Bill 206.]

Under 1 *oz.*

Bank Notes (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 7 & 8 Vict. c. 32. s. 10., 8 & 9 Vict. c. 38.
Short Title; Sect. 1.
Interpretation; 2.
Power to certain Companies to issue Bank Notes in Scotland; 3.
Issue to be against Coin only; 4.
8 & 9 Vict. c. 38 to apply to such Companies; 5.
Issue of Notes for fractional Parts of a Pound prohibited; 6.
What shall be deemed to be Bank Notes in Circulation; 7.
Penalty on issuing in excess; 8.
Time when Issue of Notes is to be first commenced; 9.
Recovery of Penalties; 10.
Not to exempt Company from Provisions of 25 & 26 Vict. c. 89. s. 182;—11.
Not to authorize Issue of Notes elsewhere than in Scotland; 12.
Saving Rights of Issue of certain Banks; 13.

A

B I L L

TO

Authorize and regulate the Issue of Bank Notes in Scotland by Banking Companies.

WHEREAS by the Public Act Seventh and Eighth Victoria, Chapter Thirty-two, intituled "An Act to regulate the "Issue of Bank Notes, and for giving the Governor and "Company of the Bank of England certain Privileges for a limited "Period," it was enacted, that from and after the passing of that Act no Person, other than a Banker who on the Sixth Day of May One thousand eight hundred and forty-four was lawfully issuing his own Bank Notes, should make or issue Bank Notes in any Part of the United Kingdom: And whereas by the Public Act Eighth and Ninth Victoria, Chapter Thirty-eight, intituled "An Act to "regulate the Issue of Bank Notes in Scotland," Provisions were made for regulating the Issue of Bank Notes by such Bankers as were by Law authorized to issue the same in Scotland, and for determining and limiting the Amount of Bank Notes which any such Banker might, after the Sixth Day of December One thousand eight hundred and forty-five, lawfully have in circulation: And whereas the Population, Trade, and Commerce of Scotland, and its Banking Requirements, have greatly increased since the passing of the said Acts respectively; and it is expedient that further Provisions should now be made with respect to the Issue of Bank Notes in Scotland:

Preamble.
7 & 8 Vict. c. 32. s. 10.
8 & 9 Vict. c. 38.

Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Scotch Banks Act, 1864."

Interpretation:

2. In the Construction of this Act, unless the contrary is expressed or is to be inferred from the Context—

"Scotch Banks Act:"

"The Scotch Banks Act, 1845," means the before-mentioned Act, Eighth and Ninth Victoria, Chapter Thirty-eight:

"Company:"

"Company" means a Joint Stock Company incorporated and registered under "The Companies' Act, 1862," or other the Statutes for the Time being regulating the Incorporation and Constitution of Joint Stock Companies:

"Bank Notes:"

"Bank Notes" means and includes all Bills or Notes for the Payment of Money to the Bearer on Demand, other than Bills and Notes of the Governor and Company of the Bank of England:

"Coin."

"Coin" means the Coin of this Realm.

Power to certain Companies to issue Bank Notes in Scotland.

3. It shall be lawful for any Company carrying on Business as Bankers in Scotland to make and issue their own Bank Notes in Scotland to the Extent and subject to the Conditions and Restrictions in this Act contained.

Issue to be against Coin only.

4. The Amount of Bank Notes which it shall be lawful for any such Company to have in Circulation upon the Average of any Period of *Four Weeks*, to be ascertained in the Manner provided by the Scotch Banks Act, shall never be greater than the monthly average Amount of Gold and Silver Coin held by such Company at their principal Place of Issue in Scotland during the same Period of *Four Weeks*, to be also ascertained in the Manner provided by the Scotch Banks Act in that Behalf.

8 & 9 Vict. c. 38. to apply to such Companies.

5. While and so long as any such Company shall make or issue their own Bank Notes in Scotland, the Company shall be deemed to be Bankers authorized to make and issue Bank Notes in Scotland under the Scotch Banks Act; and all the Clauses, Provisions, and Penalties of the Scotch Banks Act shall extend and apply to such Company accordingly, in the same Manner as to other Bankers authorized as in that Act mentioned, but so that no such Company shall have Power to issue Bank Notes except as against Gold and Silver Coin as herein-before provided.

6. All

Issue of Notes for fractional Parts of a Pound prohibited.

6. All Bank Notes to be made, issued, or re-issued by any such Company shall be expressed to be for Payment of a Pound Sterling or of a Sum in Pounds Sterling without any fractional Parts of a Pound, and if such Company shall make, issue, or re-issue any Bank Note for a fractional Part of a Pound Sterling, or for any Sum together with a fractional Part of a Pound Sterling, they shall for each Note so made, issued, or re-issued forfeit or pay the Sum of *Twenty Pounds*.

What shall be deemed to be Bank Notes in circulation.

7. All Bank Notes shall be deemed to be in circulation from the Time the same shall have been issued by the Company making or issuing the same, or any Servant or Agent of such Company, and until the same shall have been actually returned to such Company or One of their Servants or Agents.

Penalty on issuing in excess.

8. If the monthly average Circulation of Bank Notes of any such Company, ascertained in the Manner provided by the Scotch Banks Act, shall at any Time exceed the Amount which they are authorized to issue and to have in circulation under the Provisions of this Act, the Company shall in every such Case forfeit a Sum equal to the Amount by which the monthly average Circulation, ascertained as aforesaid, shall have exceeded the Amount which they were authorized to issue and to have in circulation as aforesaid.

Time when Issue of Notes is to be first commenced.

9. For the Purpose of enabling such Accounts and Returns as are provided for by the Scotch Banks Act to be conveniently made out and published with respect to the Company, every such Company shall first commence the Issue of Bank Notes under the Authority of this Act, at the Beginning of One of the Periods of *Four Weeks* for which a Return is to be made by the Commissioners of Inland Revenue under the Provisions of the Scotch Banks Act, and so in like Manner upon every Certificate to be granted to them as aforesaid.

Recovery of Penalties.

10. All pecuniary Penalties under this Act may be sued or prosecuted for, and recovered for the Use of Her Majesty, in the Manner provided by the Twenty-first Section of the Scotch Banks Act; and all the Provisions of that Section shall extend and apply to Proceedings for such Penalties under this Act.

Not to exempt Company from Provisions of 25 & 26 Vict. c. 89. s. 182.

11. Nothing herein contained shall be deemed or construed to confer upon any such Company any Limitation of Liability in respect of Notes issued by them, or to exempt them from the Provisions of "The Companies Act, 1862," in that Behalf.

12. Nothing

Not to authorize Issue of Notes elsewhere than in Scotland.

12. Nothing herein contained shall authorize any such Company to make or issue Bank Notes in any Part of the United Kingdom, except Scotland.

Saving Rights of Issue of certain Banks.

13. Nothing in this Act contained shall be construed to restrict the Issue of Bank Notes by any Banker who on the *Sixth Day of May One thousand eight hundred and forty-four* was lawfully issuing his own Bank Notes in Scotland.

Bank Notes (Scotland).

A

B I L L

To authorize and regulate the Issue of Bank Notes in Scotland by Banking Companies.

(*Prepared and brought in by Sir John Hay, Sir Edward Colebrooke, Mr. Dunlop, and Mr. Finlay*).

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1864.

[Bill 53.] *Under* 1 *oz.*

A

B I L L

TO

Permit for a limited Period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in Ireland.

Preamble. 16 & 17 Vict. c. 63. s. 7.

WHEREAS by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Sixty-three, the Commissioners of Her Majesty's Treasury are authorized and empowered to compound and agree with all or any Bankers in Scotland or elsewhere for a Composition in lieu of the Stamp Duties payable on the Bills of Exchange of such Bankers: And whereas it is expedient to permit Bankers in Ireland for a limited Period to compound for the Stamp Duties payable on their Bank Post Bills as well as on their Bills of Exchange: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Treasury may compound with Bankers in Ireland for the Stamp Duty on Bank Post

1. It shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized and empowered to compound and agree with any Banker in Ireland for a Composition in lieu of the Stamp Duties payable on the Bank Post Bills to be made or drawn by such Banker at any Time during the Period of

Bills for a Period of Three Years.

Three Years from the passing of this Act, for any Sum of Money amounting to Five Pounds or upwards, and such Composition shall be made on the like Terms and Conditions and with such Security as the said Commissioners are by the said Act empowered to require in the Case of compounding for the Stamp Duties on Bills of Exchange; and upon such Composition being entered into by such Banker it shall be lawful for him, during the Period aforesaid, to make, draw, and issue all such Bank Post Bills, for which Composition shall have been made, on unstamped Paper, anything in any Act contained to the contrary notwithstanding.

Bank Post Bills (Ireland).

A

B I L L

To permit for a limited Period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in Ireland.

(Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed* 15 *July* 1864.

[Bill 211.]

Under 1 *oz.*

A

B I L L

TO

Enable certain Banking Copartnerships which shall discontinue the Issue of their own Bank Notes to sue and be sued by their public Officer.

WHEREAS by an Act passed in the Session holden in the Seventh Year of the Reign of His late Majesty King George the Fourth, Chapter Forty-six, intituled "An "Act for the better regulating Copartnerships of certain Bankers "in England, and for amending so much of an Act of the Thirty-"ninth and Fortieth Years of the Reign of His late Majesty King "George the Third, intituled 'An Act for establishing an Agreement "'with the Governor and Company of the Bank of England for "'advancing the Sum of Three Millions towards the Supply for the "'Service of the Year One thousand eight hundred,' as relates to "the same," Banking Copartnerships registered and carrying on Business under the Act now in recital, and entitled to issue their own Bank Notes, under an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her Majesty Queen Victoria, Chapter Thirty-two, intituled "An Act to regulate the "Issue of Bank Notes, and for giving to the Governor and Company "of the Bank of England certain Privileges for a limited Period," have 7 G. 4. c. 46. 7 & 8 Vict. c. 32.

have certain Powers and Privileges of suing and being sued in the Name of any One of their public Officers, so long as such Copartnerships carry on Business under the Provisions of the first-recited Act: And whereas by the secondly recited Act such Copartnerships are empowered to agree with the Governor and Company of the Bank of England to discontinue the Issue of Bank Notes, and it is thereby enacted, that if any such Banking Copartnership shall discontinue the Issue of Bank Notes, either by Agreement with the Governor and Company of the Bank of England, or otherwise, it shall not be lawful for such Copartnerships at any Time thereafter to issue such Notes: And whereas Doubts are entertained whether the Powers and Privileges so given by the first-recited Act will extend to such of the said Banking Copartnerships as shall discontinue the Issue of Bank Notes, and shall afterwards commence and carry on the Trade or Business of Bankers in London, or within Sixty-five Miles from London, in such Manner as they will then by Law be authorized to do; and it is expedient that such Doubts be removed: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

7 & 8 Vict. c. 32. s. 24.

7 & 8 Vict. c. 32. s. 12.

Banks discontinuing the Issue of Bank Notes empowered to sue and be sued by their public Officer.

1. From and after the *passing of this Act*, every Banking Copartnership registered and carrying on Business under the first-recited Act, and entitled to issue their own Bank Notes under the secondly recited Act, which shall discontinue the Issue of such Bank Notes, and shall afterwards commence and carry on the Trade or Business of Bankers in London, or within Sixty-five Miles from London, in such Manner as they will then by Law be authorized to do, shall have the same Powers and Privileges of suing and being sued in the Name of any One of the public Officers of such Copartnership, as the nominal Plaintiff, Petitioner, or Defendant, on behalf of such Copartnership; and all Judgments, Decrees, and Orders made and obtained in any such Suit may be enforced in like Manner as is provided by the first-recited Act with respect to Copartnerships carrying on Business under the Provisions of that Act; provided that nothing in this Act contained shall empower any Copartnership to carry on the Trade or Business of Bankers in London, or within Sixty-five miles therefrom, in any Case where by the existing Law they are not authorized so to do.

Act not to empower any Bank to carry on Business in London.

Banking Copartnerships.

A

BILL

To enable certain Banking Copartnerships which shall discontinue the Issue of their own Bank Notes to sue and be sued by their public Officer.

(*Prepared and brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed*, 26 *May* 1864.

[Bill 118.]

Under 1 *oz.*

Beerhouses (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

CLAUSES.

1. Short Title.
2. Commencement of Act.
3. Excise Officers not to grant a Licence or Renewal Licence without Certificate of Justices.
4. Persons applying for Certificate to give Notice to Police Officers.
5. Police Officers may object to the Issue of Certificate.
6. Beer Houses to be closed during certain Hours, and Justices, &c. to have Powers to enter and remove Tipplers.
7. Penalty for selling Beer for Consumption on Premises without a Licence.
8. Penalty for tippling on unlicensed Premises.
9. Justices may require Production of Licences upon the Hearing of any Complaint.
10. Justice or Justices before whom Case shall be heard may mitigate Penalty annexed to Offence.
11. Proceedings for the Recovery of Penalties, &c.
12. Appeal as to Certificate; where Grant of a Certificate shall be reversed, the Licence to be annulled.

A

B I L L

FOR

More effectually regulating the Sale of Beer in Ireland.

WHEREAS it is expedient to amend the Law with respect to certain Houses in Ireland (commonly called "Beer-houses") licensed for the Sale of Beer to be drunk or consumed elsewhere than on the Premises where sold: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Beerhouses "(Ireland) Act, 1864." Short Title of Act.

2. This Act shall come into operation on the *First Day of July One thousand eight hundred and sixty-four.* Commencement of Act.

3. From and after the *Commencement of this Act* it shall not be lawful for any Officer of Excise in Ireland to grant a Licence or Transfer of a Licence for the Sale of Beer to be drunk or consumed elsewhere than on the Premises where sold, to any Person applying for such Licence or Transfer of a Licence, or to grant a Renewal of any such Licence as aforesaid to any Person applying for such Renewal Excise Officers not to grant a Licence or Renewal Licence without Certificate of Justices.

Renewal without such Person producing a Certificate signed by Two or more Justices of the Peace, presiding at the Petty Sessions of the District in which such Person resides, or if in the Dublin Metropolitan Police District by a Divisional Justice of the District in which such Person resides, to the good Character of such Person and the Suitability of the Premises for the Purpose of such Sale, and where the Application shall be for the Transfer of an existing Licence or the Renewal of a Licence for the same House, as shall have been licensed in the Year last immediately preceding, and which Licence shall not have been withdrawn or annulled, without a similar Certificate to the good Character of the Person applying for such Renewal, or of the Person to whom such Transfer is proposed to be made, and to the peaceable and orderly Manner in which such House had been conducted in the past Year.

Persons applying for Certificate to give Notice to Police Officers.

4. Every Person who shall apply for such Certificate as aforesaid shall give *Twenty-one Days* Notice in Writing to the Sub-Inspector of the District in which he resides, or in his Absence to the Head Constable, or if in the Dublin Metropolitan Police District to the Superintendent of Police of the Division in which such Person resides, stating the Intention of such Person to make such Application, and setting forth his Place of Residence, and the Situation and Place of the House where such Person purposes to carry on the Business of a Dealer or Retailer of Beer; and in every Case where any such Person had been at any Time previously licensed for the Sale of Wine, Spirits, Beer, Ale, Cider, or other exciseable Liquors to be consumed on the Premises or elsewhere, such Notice shall set forth the last Place of Business whereat such Wine, Spirits, Beer, Ale, Cider, or other exciseable Liquors had been sold, together with the Date at which such Person had given up or otherwise discontinued the Sale thereof.

Police Officers may object to the Issue of Certificate.

5. The Sub-Inspector of the District, or in his Absence the Head Constable, or if in the Dublin Metropolitan Police District, the Superintendent of Police of the Division, shall be and he is hereby authorized to object before the Justices at Petty Sessions, or the Divisional Justices, as the Case may be, to the Issue of such Certificate, and the Justices shall in such Case proceed to consider, examine on Oath into, and adjudicate upon the Truth, Sufficiency, and Validity of such Objection; and if such Justices shall be satisfied of the Truth and Sufficiency of any such Objection, they may refuse to grant such Certificate.

Beer Houses to be closed

6. From and after the *Commencement of this Act* all the Prohibitions, Penalties, and Forfeitures now in force in Ireland with respect to

to the Hours during which licensed Houses may be lawfully kept open for the Sale of Wine, Spirits, Ale, Beer, or Cider by Retail, to be drunk or consumed on the Premises, shall extend to and be applicable to Persons licensed to sell Beer not to be drunk or consumed upon the Premises where sold: And in like Manner all and singular the Rights, Powers, and Authorities given to any Justice of the Peace, Police Officer, or Constable, in and by the Second Section of an Act passed in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter Sixty-four, and in and by the Twelfth Section of an Act passed in the Seventeenth and Eighteenth Years of Her said Majesty, Chapter Eighty-nine, and the several Fines, Forfeitures, Pains, and Penalties contained in the said Sections in relation to the Offences therein respectively set forth, shall extend and be applicable to such licensed Persons, and the Houses and Premises in which the Sale of Beer is so carried on as fully and effectually to all Intents and Purposes as if the said Provisions of the said Sections of the said Acts had been herein repeated and specially enacted with reference to Persons licensed to sell Beer to be drunk and consumed elsewhere than on the Premises where sold, and to the Sale of Beer by such Persons for Consumption on their Premises, save that the Mode of recovering and applying any Penalty shall be as herein-after enacted.

during certain Hours.

Justices, &c., to have Power to enter and remove Tipplers.

7. Every Person not being duly licensed in that Behalf who shall sell Beer for Consumption upon his Premises, shall be liable for the First Offence to a Fine not exceeding *Two Pounds* nor less than *Five Shillings*, or to be imprisoned, with or without Hard Labour, for any Term not exceeding *One Month* nor less than *One Week*, and for the second and every subsequent Offence to a Fine not exceeding *Five Pounds* nor less than *Twenty Shillings*, or to be imprisoned, with or without Hard Labour, for any Term not exceeding *Three Months* nor less than *One Month*.

Penalty for selling Beer for Consumption on Premises without a Licence.

8. If any Person shall be found drinking or tippling, or having the Appearance of having been recently drinking or tippling, on any Premises in respect of which a Licence shall then exist authorizing the Sale of Beer but not for Consumption on such Premises, such Person may be summoned before the Justices of the Peace at Petty Sessions or Divisional Justices of the Police District of Dublin Metropolis, as the Case may be, or may be lawfully apprehended and brought, so soon as conveniently may be, before a Justice of the Peace, to be dealt with according to Law; and upon Conviction of his having been so drinking or tippling shall be liable for the First Offence to a Fine not exceeding *Five Shillings*, and for the

Penalty for tippling on unlicensed Premises.

second and every subsequent Offence to a Fine not exceeding *Ten Shillings* nor less than *Five Shillings*.

Justices may require Production of Licences upon the Hearing of any Complaint.

9. In case any Complaint shall be laid against any Person licensed to sell Beer not to be drunk or consumed upon the Premises where sold for any Offence against the Tenour of his Licence, or for any Offence against this Act or any other Act affecting or having reference to his Licence, it shall be lawful for the Justice or Justices before whom such Complaint shall be brought to require such Person to produce his Licence before such Justice or Justices for Examination; and if such Person shall wilfully neglect or refuse so to do, he shall forfeit and pay for such Offence such Sum not exceeding *Five Pounds*, as the said Justice or Justices shall think proper.

Justice or Justices before whom Case shall be heard may mitigate Penalty annexed to Offence.

10. It shall be lawful for the Justice or Justices before whom the Case shall be heard to mitigate the Penalty annexed by this Act to any Offence, so as such Mitigation shall not in any Case reduce such Penalty to less than *One Fourth* thereof, and the Cause of such Mitigation shall be set forth upon such Conviction.

Proceedings for the Recovery of Penalties, &c.

11. All Proceedings for the Recovery of Penalties incurred under this Act and the Appearance of any Witness, and the Hearing and Determination of all Complaints under this Act, shall be subject in all respects to the Provisions of the Petty Sessions (Ireland) Act, 1851, as the same is amended by "The Petty Sessions Clerk (Ireland) Act, 1858," when the Case shall be heard in any Petty Sessions District, and to the Provisions of the Acts relating to the Divisional Police Offices, when the same shall be heard in the Police District of Dublin Metropolis, so far as the said Provisions shall be consistent with this Act; and when any Fine or Penalty is imposed under the Provisions of this Act, such Fines and Penalties shall be paid over to such Purposes, and applied in such Manner as is provided by the "Fines Act (Ireland), 1851," or any Act amending the same; and all such Proceedings as aforesaid may be taken by and in the Name of any Superintendent or Inspector of Police within the Police District of Dublin Metropolis, or by any Sub-Inspector, Head or other Constable in any other Part of Ireland, without any Order of the Commissioners of Inland Revenue for that Purpose.

Appeal as to Certificate.

12. After the Hearing and Determination by any Justice or Justices of the Peace of any Application for a Certificate either Party to the Proceedings before the said Justice or Justices may, if dissatisfied

dissatisfied with the Decision or Judgment given thereon, appeal therefrom to the Justices assembled at the General or Quarter Sessions of the Peace to be holden for the County, City, Town, or Place in which such Decision or Judgment shall have been given, or if within the Police District of Dublin Metropolis, then to the Recorder of the City of Dublin at his next Sessions; and every Appeal from an Order granting or refusing a Certificate shall be subject to the Provisions contained in an Act passed in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, Chapter Sixty-two, and the Recognizance to be entered into shall be in the Form in the Schedule to the said Act annexed, or as near thereto as the Circumstances of the Case may admit; and in every Case where the Decision of a Justice granting a Certificate under the Provisions of this Act shall be reversed on Appeal, the Justices of the Peace at the General or Quarter Sessions, or the Recorder of the City of Dublin, as the Case may be, shall forthwith annul any Licence which shall have been granted on the Faith of such Certificate.

Where Grant of a Certificate shall be reversed, the Licence to be annulled.

Beerhouses (Ireland).

A

BILL

For more effectually regulating the Sale of Beer in Ireland.

(*Prepared and brought in by Sir Robert Peel and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 12 *May* 1864.

[Bill 109.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Amend the Law relating to Bills of Exchange and Promissory Notes in Ireland.

Preamble.

WHEREAS an Act was passed in the Ninth Year of the Reign of King George the Fourth, Chapter Twenty-four, intituled "An Act to repeal certain Acts, and to consolidate and amend the Laws relating to Bills of Exchange and Promissory Notes in Ireland:" And whereas it is expedient that the said Act should be amended, so far as relates to the Hours thereby prescribed for keeping open the Offices of Public Notaries in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of 9 G. 4. c. 24. as requires Public Notaries in Ireland to keep their Offices open from Six to Nine o'Clock repealed.

1. From and after the *passing of this Act*, so much of the said Act of the Ninth Year of King George the Fourth, Chapter Twenty-four, as requires that all Public Notaries practising in Ireland shall keep their Offices open from Six of the Clock in the Afternoon until Nine of the Clock in the Evening of any Day, shall be and the same is hereby repealed.

2. From

Public Notaries in Ireland not required to attend at their Houses or Offices after Six o'Clock in the Afternoon to receive Payment of any Bill or Note.

2. From and after the *passing of this Act*, it shall not be necesary for any Notary Public in Ireland, or any Person for him, at his House or Office, to be in attendance after the Hour of *Six* of the Clock in the Afternoon of any Day, in order to receive Payment of any Bill or Note; but every such Bill or Note whereof Payment shall not be made or duly or legally tendered at or before such Hour of *Six* of the Clock in the Afternoon shall be considered to be and shall be dishonoured, to all Intents and Purposes; and thereupon such Notary Public shall and may note or protest the same for Nonpayment, any Law, Statute, or Usage to the contrary notwithstanding.

Bills of Exchange and Promissory Notes (Ireland).

A

BILL

To amend the Law relating to Bills of Exchange and Promissory Notes in Ireland.

(*Prepared and brought in by Sir Robert Peel and Mr. Attorney-General for Ireland*).

Ordered, by The House of Commons, *to be Printed*, 29 *February* 1864.

[Bill 38.]

Under 1 *oz.*

A

BILL

FOR

Extending the Provisions of "The Bleaching and Dyeing Works Act, 1860."

WHEREAS by the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-eight, and herein-after referred to as "The Bleaching and Dyeing Works Act, 1860," the Employment of Women, Young Persons, and Children in the Process of finishing any Yarn or Cloth of Cotton, Wool, Silk, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, is placed under the Regulations of the Acts therein recited, and generally known and herein-after referred to as the Factory Acts, in Cases where the said Process is carried on in Bleaching and Dyeing Works in which Steam, Water, or other mechanical Power is used: And whereas by the Act of the Session of the Twenty-sixth and Twenty-seventh Years of the same Reign, Chapter Thirty-eight, the Provisions of the said Bleaching and Dyeing Works Act, 1860, are extended to the Employment of Women, Young Persons, and Children in Calendering and Finishing Works in which Steam, Water, or other mechanical Power is used: And whereas the Process of Finishing is carried on in other Works besides those specified in the said Acts, and as so carried on is attended with the same Evils to the Health of the Women, Young Preamble.

 Persons,

Persons, and Children employed as in the above-mentioned Works: And whereas it is expedient that the Process of Finishing, wheresoever carried on, should be regulated in the same Manner as it is regulated in the above-mentioned Works, and that the Provisions of the Factory Acts should also be extended to the Employment of Women, Young Persons, and Children in the Processes of Hooking or Lapping, or Making-up and Packing: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Extension of Bleaching and Dyeing Works Act.

1. After the *passing of this Act*, all such Provisions of the said Bleaching and Dyeing Works Act, 1860, as are now in force, shall apply to Women, Young Persons, and Children employed for Hire in any Building or Premises whatever in the Processes of Finishing, Hooking, or Lapping, or of Making-up and Packing, any Yarn or Cloth of Cotton, Wool, Silk, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, or any of such Processes; and in the Construction of the said Bleaching Act of 1860, and the Acts therein recited, "Bleaching Works" and "Dyeing Works" and "Factory" shall include any Buildings or Premises in which the said Processes or any of them are carried on.

Short Title of Act.

2. This Act may be cited for all Purposes as the "Bleaching and Dyeing Works Act Extension Act, 1864."

Bleaching and Dyeing Works Act Extension.

A

BILL

For extending the Provisions of "The Bleaching and Dyeing Works Act, 1860."

(*Prepared and brought in by Mr. Bruce and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 29 *June* 1864.

[Bill 181.]

Under 1 *oz.*

A

B I L L

FOR

Compensating the Families of Persons killed by Boiler Explosions, through the Neglect or Default of the Owner.

WHEREAS it is expedient that Provision should be made for compensating the Families of Persons killed by Boiler Explosions beyond that provided by the 9th and 10th Victoria, Cap. 93.: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble.

1. That whensoever the Death of a Person resulting from the Explosion of any Boiler shall be caused by wrongful Act, Neglect, or Default, and the Act, Neglect, or Default is such as would (if Death had not ensued) have entitled the Party injured to maintain an Action and recover Damages in respect thereof, then and in every such Case the Person who would have been liable if Death had not ensued shall be liable to an Action for Damages, notwithstanding the Death of the Person injured, and although the Death shall have been caused under such Circumstances as amount in Law to Felony. An Action in the Case of Death resulting from Boiler Explosions to be maintainable against any Person causing such Death through Neglect.

2. Every

Action to be for the Benefit of certain Relations, and shall be brought by and in the Name of Executor or Administrator of the Deceased, or Guardian or Chairman of the Board of Guardians, or of any of the Next of Kin, or of any Person as next Friend.

2. Every such Action shall be for the Benefit of the Wife, Husband, Parent, or Child of the Person whose Death shall have been so caused, and shall be brought by and in the Name of the Executor, or Administrator, or Guardian, or Chairman of the Board of Guardians for the Time being for the District in which the Accident has occurred, or the Chairman of any Board of Guardians in which the Wife, Husband, Parent, or Child of the deceased Person may become chargeable, or of any of the Next of Kin of the Deceased, or of any Person as next Friend, and in every such Action the Jury may give such Damages as they may think proportioned to the Injury resulting from such Death, to the Parties respectively for whom and for whose Benefit such Action shall be brought, and the Amount so recovered, after deducting the Costs not recovered from the Defendant, shall be divided amongst the before-mentioned Parties in such Shares, or invested and expended in such Manner as the Jury by their Verdict shall find and direct.

Forms and Interpretations same as in 9 & 10 Vict. c. 93.

3. All Forms of Procedure under this Act and the Meaning of all Words and Expressions shall be regulated by the 9th and 10th Victoria, Cap. 93.

Boiler Explosions.

A

BILL

For compensating the Families of Persons killed by Boiler Explosions, through the Neglect or Default of the Owner.

(*Prepared and brought in by Mr. Ferrand and Colonel Edwards.*)

Ordered, by The House of Commons, *to be Printed,*
4 *May* 1864.

[Bill 89.]

Under 1 *oz.*

A

B I L L

TO

Extend the Parliamentary Franchise in Cities and Boroughs in England and Wales.

WHEREAS it is expedient to extend the Right of voting for Members of Parliament in Cities and Boroughs in England and Wales: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Occupation of Premises within a City or Borough which returns a Member or Members to serve in Parliament, or within a Place sharing in the Election for such City or Borough, of the clear yearly Value of not less than *Six Pounds*, shall confer a Right to vote in the Election of such Member or Members, in like Manner as such Right is now conferred in respect of the Occupation of Premises of the clear yearly Value of not less than Ten Pounds; and all Provisions now in force concerning such Right in respect of such Occupation shall, save as herein otherwise provided, be applicable to the Right hereby conferred, as if *Six Pounds* were mentioned in Section Twenty-seven of the Act of the Session holden in the Second and Third Years of King William the Fourth, Chapter Forty-five, and were mentioned or referred to in all other the Provisions concerning such Right instead of Ten Pounds. Occupation of Premises of the clear yearly Value of Six Pounds to confer a Right to vote.

A Building, when held jointly with Land, required to be of the separate Value of Three Pounds.

2. No Person shall be entitled under this Act to vote in an Election in respect of his Occupation, jointly with any Land, of any Building other than a Dwelling House in which he himself resides, unless such Building separately be of the clear yearly Value of not less than *Three Pounds.*

Short Title.

3. This Act may be cited as "The Borough Franchise Act, 1864."

Borough Franchise.

A

B I L L

To extend the Parliamentary Franchise in Cities and Boroughs in England and Wales.

(*Prepared and brought in by Mr. Baines, Mr. Bazley, and Mr. Scholefield.*)

Ordered, by The House of Commons, *to be Printed*, 15 *March* 1864.

[Bill 47.]

Under 1 *oz.*

A

B I L L

FOR

The more effectual Prevention of Bribery and Corruption in the Election of Members to serve in Parliament.

WHEREAS it is expedient to make further Provision for preventing corrupt Practices at Elections of Members to serve in Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. That from and after the *Twenty-first Day of August in the Year One thousand eight hundred and sixty-four* whosoever shall before, at the Time of, or after any Election for any Member to serve in Parliament, directly or indirectly, by any Device or Means, give, offer, or accept, or cause to be given, offered, or accepted, or promise or agree to give, offer, or accept, for the Purpose of influencing any Voter, or for having promoted the Success of any Candidate at such Election, any Money, Fee, Gratuity, Reward, or Loan, or valuable Consideration whatever, save and except Money paid or agreed to be paid for any legal Expenses bonâ fide incurred, and whoever shall wilfully and knowingly aid and abet and assist any Person therein, shall be guilty of a Misdemeanor, and having been convicted thereof Persons offending as herein mentioned guilty of Misdemeanor, Punishment Hard Labour.

thereof shall be liable to be imprisoned, with or without Hard Labour, for any Term not exceeding *Two Years*.

Offences not to be triable in certain Courts.

2. Such Misdemeanor shall not be triable at any Court of Quarter or General Sessions of the Peace held for any County or Division of a County, Riding, City, County of a City, or Borough.

Declaration of Candidate or Member.

3. Every Candidate at any Election shall at the Time of Nomination, and before the Returning Officer, and every Person who shall in future be elected and returned a Member of the House of Commons shall, before he shall sit and vote in the said House, in addition to any Oaths and Declarations required to be taken and made, and while the Speaker is in the Chair, make and subscribe the following Declaration:

'I [A.B.] do solemnly and sincerely declare, That I have not knowingly made, authorized, or sanctioned, and that I will not knowingly make, authorize, or sanction, any Payment on account or in respect of my Election otherwise than through the Agent or Agents in the Second Section of the Act of the Twenty-sixth of Victoria, Chapter Twenty-nine, in that Behalf mentioned, save as excepted by that Act, or by the "Corrupt Practices Prevention Act, 1854," nor have knowingly done, authorized, procured, sanctioned, or promised any Act, Matter, or Thing contrary to the Provisions contained in the said Act of the Twenty-sixth of Victoria, or in Sections Two and Four of the said Corrupt Practices Prevention Act, 1854.'

And any Person who shall make and subscribe any such Declaration, knowing the same to be untrue, or, having made such Declaration, shall at any Time thereafter knowingly make, authorize, or sanction any Payment contrary to the true Intent and Meaning of such Declaration, shall be deemed guilty of a Misdemeanor, and in Scotland of an Offence punishable with Fine and Imprisonment: Provided always, that in case any such Candidate shall at the Time of Nomination be out of the United Kingdom, he shall make such Declaration before any Justice of the Peace within One Week after his Return into the United Kingdom, and shall transmit the same to the Returning Officer; and such Declaration so made as last aforesaid shall be of the same Force and Effect as if made at the Nomination; and if any such Candidate shall be absent from the Nomination, by reason of Illness, or from any other Cause, he shall make such Declaration before any Justice of the Peace as soon as conveniently may be, and shall transmit the same to the Returning Officer aforesaid, and the same shall be of the same Force and Effect as aforesaid; and any Person refusing or neglecting to make such

such Declaration as aforesaid, contrary to the Provisions of this Act, shall be incapable of being elected at such Election, or if elected, such his Election shall be altogether void.

Bribery at Elections.

A

BILL

For the more effectual Prevention of Bribery and Corruption in the Election of Members to serve in Parliament.

(*Prepared and brought in by Sir FitzRoy Kelly, Sir John Pakington, and Mr. Whiteside.*)

Ordered, by The House of Commons, *to be Printed,* 19 *July* 1864.

[Bill 227.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to Grand Jury Presentments for County or County of the City Bridges in Ireland.

WHEREAS it is expedient to amend the Law relating to the Erection or Repair of County or County of the City Bridges in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

In case any Bridge, situate within any County, County of a City, or County of a Town, shall be used by the Inhabitants of any adjoining County, and that such Bridge requires to be rebuilt, repaired, altered, or enlarged, it shall be lawful for the Grand Jury of such County of a City or County of a Town, and for the Grand Jury of such County, if they shall so think fit, to direct that such Work shall be executed under the Superintendence of a County Surveyor appointed by such Grand Juries, and it shall be lawful for such Grand Juries respectively to present, to be levied off such County, or off any Barony of each such County, One Half of such Sum or Sums of Money as shall be necessary for such Purpose, and the other off such County of a City or County of a Town, or any Barony Grand Juries may direct Works of certain Bridges to be executed under a County Surveyor, and may divide the Sum to be levied.

Barony thereof, but no Application for Payment on account of any such Presentment shall be allowed, unless an equal Sum shall have been presented, to be raised for the said Work off such adjoining County, or County of a City, or County of a Town, or some Barony thereof.

Bridges (Ireland).

A

BILL

To amend the Law relating to Grand Jury Presentments for County or County of the City Bridges in Ireland.

(Prepared and brought in by Mr. Sullivan, Mr. Greene, and Mr. Waldron).

Ordered, by The House of Commons, *to be Printed,* 15 *April* 1864.

[Bill 70.]

Under 1*oz.*

A

BILL

TO

Make further Provision for the Registration of Burials in England.

WHEREAS Provision is made by Law in England for the Registration of Burials performed according to the Rites of the Established Church and of all Burials in Grounds provided under the Burial Acts: Preamble. 52 G. 3. c. 146. 16 & 17 Vict. c. 134. s. 8.

And whereas it is expedient that all Burials in England be registered:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. All Burials in any Burial Ground in England which are not now by Law required to be registered shall be registered in Register Books to be provided for each such Burial Ground by the Company, Body, or Persons to whom the same belongs, and to be kept for that Purpose according to the Laws in force by which Registers are required to be kept by Rectors, Vicars, or Curates of Parishes or Ecclesiastical Districts in England. All Burials to be registered.

2. Such Register Books shall be so kept for every such Burial Ground by some Officer or Person to be appointed to that Duty by the By whom Books to be kept.

the Company, Body, or Persons to whom such Burial Ground belongs.

Copies of Registers to be sent to Registrar of Diocese.

3. Copies of the Register Books kept under this Act for every such Burial Ground shall be from Time to Time made, verified, and signed by such Officer or Person as aforesaid, and sent by him to the Registrar of the Diocese wherein the Burial Ground to which the same relates is situate, to be kept with the Copies of the Register Books of the Parishes within such Diocese.

Registers to be Evidence.

4. The Register Books kept under this Act, or Copies thereof or Extracts therefrom, shall be received in all Courts as Evidence of the Burials entered therein.

Registers to be subject to Regulations of 6 & 7 W. 4. c. 86. as to Searches, &c.

5. The Register Books kept under this Act shall, as to Searches therein and Copies thereof and Extracts therefrom, be subject to the Regulations of the Act of the Session of the Sixth and Seventh Years of King William the Fourth (Chapter Eighty-six) "for "registering Births, Deaths, and Marriages in England," so far as those Regulations relate to Register Books of Burials kept by Rectors, Vicars, or Curates.

Interpretation of "Burial Ground."

6. In this Act the Term "Burial Ground" includes a Vault or other Place where any Body is buried.

Short Title.

7. This Act may be cited as The Registration of Burials Act, 1864.

Burials Registration.

A

BILL

To make further Provision for the Registration of Burials in England.

(*Prepared and brought in by Mr. Bovill, Mr. Macaulay, and Mr. Walter*).

Ordered, by The House of Commons, *to be Printed*, 30 *May* 1864.

[Bill 126.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to substitute fixed instead of fluctuating Incomes for the Members of certain minor Corporations in certain of the Cathedral Churches in England.

WHEREAS it is expedient to make Arrangements for securing fixed Incomes to the Members of certain minor Corporations in certain of the Cathedral Churches in England in lieu of their present fluctuating Incomes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. It shall be lawful, under the Authority of a Scheme prepared by the Ecclesiastical Commissioners, and of an Order of Her Majesty in Council ratifying the same, with the Consent in Writing under the Common or Corporate Seal of any Vicars Choral, Priest Vicars, Senior Vicars, Custos and Vicars Warden, and Vicars or Minor Canons, who may constitute a Corporation Aggregate in any Cathedral Church in England, and of their Visitor, for the said Vicars Choral, Priest Vicars, Senior Vicars, Custos and Vicars Warden, and Vicars or Minor Canons to transfer to and vest in the Ecclesiastical Lands and Hereditaments may be transferred by Cathedral Corporations to Ecclesiastical Commissioners for Money Payments.

Ecclesiastical Commissioners for the Purposes of the Acts relating to them and subject to the Provisions thereof and to the Conditions which may be specified in any such Scheme and Order, all the Lands and Hereditaments heretofore belonging to such Corporation, for and in consideration of any annual or other Money Payment to be made to such Corporation by the Commissioners.

Cathedral Minor Corporations.

A

B I L L

INTITULED

An Act to substitute fixed instead of fluctuating Incomes for the Members of certain minor Corporations in certain of the Cathedral Churches in England.

(*Brought from the Lords* 5 *July* 1864.)

Ordered, by The House of Commons, *to be Printed*, 18 *July* 1864.

[Bill 220.]

Under 1 *oz.*

Cattle Diseases Prevention.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Short Title of Act; Sect. 1.
Application of Act; 2.
Definition of Cattle; 3.
Definition of contagious or infectious Diseases; 4.

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Public Exposure of diseased Cattle; 5.
Sale of diseased Cattle; 6.

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Special Regulations by Order in Council as to Cattle; 7.
Application of Order, and Penalty for Disobedience; 8.
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PART VI.

Repeal of Acts.

Repeal of 11 & 12 Vict. c. 107. and 16 & 17 Vict. c. 62.;—21.

SCHEDULE.

A

B I L L

TO

Make further Provisions for the Prevention of Infectious Diseases amongst Cattle.

WHEREAS it is expedient to amend the Law for the Prevention of the Spread of contagious or infectious Diseases amongst Cattle in the United Kingdom of Great Britain and Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament asssembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Diseased Cattle Act, 1864." Short Title of Act.

2. This Act shall apply to the whole of the United Kingdom. Application of Act.

3. In this Act "Cattle" shall include Horses, Mules, Asses, Neat Cattle of every Description, Sheep, Goats, Swine, and all domestic Animals. Definition of Cattle.

4. For the Purposes of this Act, the Expression "contagious or infectious Diseases" shall be deemed to mean the several Diseases mentioned in the Schedule hereto, and such other Diseases as may from Definition of contagious or infectious Diseases.

from Time to Time be declared to be contagious or infectious by Order of Her Majesty in Council; and the Term "diseased" shall mean affected with any contagious or infectious Disease as defined by this Act.

PART I.

General Law as to diseased Cattle.

Public Exposure of diseased Cattle.

5. If any Person—

(1.) Turns out or leaves turned out in any Forest, Chase, Wood, Heath, Common, Open Field, Road Side, or other undivided or uninclosed Land, any diseased Cattle; or

(2.) Places any diseased Cattle belonging to him in a Field or other Place insufficiently fenced, or in the Stable or other Buildings of an Inn, or of any other Person without the Permission of such Person; or

(3.) Takes any diseased Cattle along any Highway without using all practicable Precautions to keep them separate from the Cattle of other Owners; or

(4.) Exposes for Sale any diseased Cattle in any Market, Fair, or other Place, whether public or private, where Animals are commonly exposed for Sale, or brings the same for the Purposes of Sale into any such Market, Fair, or other Place as aforesaid;

knowing or having reasonable Cause to suspect the Existence of Disease in any Animal to which this Section applies, he shall be liable in respect of every such Offence to a Penalty not exceeding *Twenty Pounds;* and any Justice of the Peace may, upon the Application of any Constable or of any Owner of Cattle or his Servant, make an Order directing any Constable to remove any diseased Cattle to a Place where they can be safely kept without Risk of infecting other Cattle; and all Expenses incurred in the Removal may be recovered from the Owner in a summary Manner.

Sale of diseased Cattle.

6. If the Owner of any diseased Cattle, knowing or having reasonable Cause to suspect the Existence of Disease, sells the same to a Purchaser without giving Notice to him of such known or suspected Disease, he shall, in addition to any Penalty which may be imposed on him by this Act, be deemed to have been guilty of Fraud in making the Sale, and be liable in Damages to the Purchaser for any Loss or Injury the Purchaser may have sustained by reason of or consequential on his having purchased the said diseased Cattle.

PART II.

Special Provisions against Epidemics in Cattle.

Special Regulations by Order in Council as to Cattle.

7. Her Majesty may, by Order in Council, make Regulations with respect to the following Matters:

(1.) The prohibiting or regulating the Removal from any specified Part of the United Kingdom of Cattle, or of the Meat, Skins, Hides, Horns, Hoofs, or other Parts of Cattle, or of Hay, Straw, Fodder, or other Articles likely to propagate Infection:

(2.) The Examination of any Cattle, or of any Meat, Skin, Hides, Horns, Hoofs, or other Parts of Cattle:

(3.) The Purification of any Yard, Stable, Outhouse, or other Place in which diseased Cattle may have been confined, or over which they may have passed, and of any Cart, Waggon, Truck, Vessel, Boat, or other Vehicle in which they may have been carried:

(4.) The Destruction and Burial of any diseased Cattle:

(5.) The Destruction, Disinfection, or other Purification, as the Case may require, of such Hides, Horns, Hoofs, or other Parts of Cattle, as may be suspected to have belonged to diseased Cattle, or may be deemed capable of propagating Disease:

(6.) The giving Notice by Owners, or others, of any contagious or infectious Diseases that may affect their Cattle:

(7.) The doing any other Thing Her Majesty may deem advisable for preventing the Spread of Disease amongst Cattle:

Her Majesty may from Time to Time by a like Order in Council revoke or modify any subsisting Regulation, or make new Regulations in addition to or as a Substitute for any subsisting Regulation or Regulations.

Application of Order and Penalty for Disobedience.

8. Any Order in Council made under this Act shall state the Part of the United Kingdom to which it applies, and the Time during which it is to be in force; and any Person offending against any Regulations made by such Order shall be liable to a Penalty not exceeding *Twenty Pounds*, or to such less Penalty as may be stated in the Order.

Orders in Council to be published in Gazette and County Newspapers.

9. Any Order in Council made under this Act shall, within *Fourteen Days* after the Issue thereof, be published once in the London Gazette and twice in some Newspaper or Newspapers circulating in the Part of the United Kingdom to which it applies.

A printed Copy of the London Gazette purporting to contain a Copy of any Order purporting to be made in pursuance of this Act shall be primâ facie Evidence of the Contents of such Order.

 10. A Copy

Orders in Council to be laid before Parliament.

10. A Copy of every Order in Council made under this Act shall be laid before both Houses of Parliament within *Six Weeks* after the Issue of the same, if Parliament be then sitting, and if Parliament be not then sitting, then within *Six Weeks* after the Commencement of the then next Session of Parliament.

Obstructing Persons carrying into effect Orders in Council.

11. If any Person wilfully obstructs or impedes any Person acting under any Order in Council made in pursuance of this Act, the Person obstructing, and all others aiding and assisting therein, may be detained by, or by the Directions of the Person acting under the Authority of that Order, until the Offender or Offenders can be conveniently taken before Two Justices of the Peace having Jurisdiction in the County or Place wherein such Offence may be committed, and when convicted before such Justices as aforesaid (who are hereby authorized and required upon Complaint to him, upon Oath, to take cognizance thereof, and to act summarily in the Premises,) shall be liable to a Penalty not exceeding *Five Pounds*, and in default of Payment thereof to be imprisoned for any Term not exceeding *Two Calendar Months*, unless the Amount of the Penalty be sooner discharged.

PART III.

Carriage of Cattle.

Cleaning Trucks.

12. Every Railway, Canal, or other Company or Common Carrier that carries Cattle for Hire within any Part of the United Kingdom shall, before putting any Cattle into any Truck, Boat, or other Vehicle, cause the said Truck, Boat, or other Vehicle to be thoroughly cleansed, and (in Cases where there is reasonable Cause to suspect that diseased Cattle have been carried in such Truck, Boat, or other Vehicle) to be disinfected by a washing of Lime Water or some purifying Liquid.

Any Company or Common Carrier making Default in cleansing and disinfecting any Truck, Boat, or other Vehicle in pursuance of this Section shall be liable to a Penalty not exceeding *One Pound* in respect of each such Truck, Boat, or other Vehicle.

Watering Cattle.

13. Every Railway, Canal, or other Company or Common Carrier that carries Cattle within any Part of the United Kingdom shall, once at the least in every Period of *Twelve Hours* during which Cattle are being carried by them or him or are under their or his Control, supply the said Cattle with Water to drink; and any Company or Common Carrier acting in contravention of this Section shall incur a Penalty not exceeding *Five Shillings* for each Head of Cattle that is not so supplied with Water.

14. Every

14. Every Railway, Canal, or other Company or Common Carrier may refuse to carry and prohibit from entering on their or his Premises any Cattle that in the Opinion of any Officer of the Company or of such Carrier or any Servant of his may be diseased; and any such Company or Carrier as aforesaid may recover in a summary Manner from the Owner or the Person in charge of any diseased Cattle that they or he may have carried without knowing the Fact of their being diseased any Expenses they or he may be put to in disinfecting their or his Trucks, Boats, or other Vehicles, or otherwise may incur by reason of having carried such diseased Cattle; and in addition thereto any Person tendering any diseased Cattle for Carriage to any Company or Common Carrier, knowing or having reasonable Cause to suspect the Existence of the Disease, shall be liable to a Penalty, to be paid to the Company or Common Carrier, not exceeding *Ten Shillings* a Head for each Head of Cattle so tendered.

Carriers may refuse to carry diseased Cattle.

PART IV.

Cattle at Market and Fairs.

15. Any Local Authority, as herein-after defined, may make Regulations with respect to the Examination of all Cattle brought to or on their Way to any Market or Fair held within their Jurisdiction; and it shall be lawful for any Officer appointed by such Local Authority, and herein-after called a Cattle Inspector, to examine the said Cattle, and to exclude from the Market or Fair any of them that he may deem to be affected with any contagious or infectious Disease, or, in the Case of Cattle used for Human Food, with any other Disease rendering them unfit for Human Food, and to require any Cattle affected with any infectious or contagious Disease to be forthwith removed to such Distance from the Market or Fair as the Cattle Inspector may think necessary for preventing the Spread of Infection: Any Person obstructing the said Cattle Inspector in performance of his Duties, or refusing to comply with his Orders, shall be liable, for every Offence of Obstruction or Non-compliance, to a Penalty not exceeding Five Pounds, and to all all Expenses that may have been occasioned by such Obstruction or Non-compliance; and all Constables are required, on the Request of the said Cattle Inspector, to assist him in carrying into execution the Powers conferred by this Section.

Power of Officer of Local Authority at Markets and Fairs.

All Powers conferred on the said Cattle Inspector by this Section shall be deemed to be in addition to any other Power which he may be enabled to exercise under the other Provisions of this Act, and it shall be lawful for him to take such Steps as may be thought expedient for enforcing any other Provisions of this Act.

Definition of Local Authority.

16. Subject to the Exceptions and Provisions herein-after contained, the following Bodies shall respectively be the Local Authorities to appoint Cattle Inspectors, under this Act, in the Districts herein-after mentioned; (that is to say,)

(1.) In the City of London, the Court of the Lord Mayor and Aldermen of the said City:

(2.) In the Area subject to the Jurisdiction of the Metropolitan Board of Works, exclusive of the City of London, the Metropolitan Board of Works:

(3.) In the City of Dublin, the Right Honourable the Lord Mayor, Aldermen, and Burgesses by the Council, and in any other Municipal Borough in England or Ireland, the Mayor, Aldermen, and Burgesses by the Council:

(4.) In any Place other than a Municipal Borough situate in England or Ireland, and within the Jurisdiction of any Trustees or Improvement Commissioners appointed under the Provisions of any Local or General Act of Parliament, or within the Jurisdiction of any Local Board of Health, the Trustees, or Commissioners, or Local Board of Health:

(5.) In any Burgh or Place in Scotland within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees, the Town Council; but in any Burgh or Place in Scotland within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners, the Police Commissioners or Trustees:

(6.) In any Place in England, Ireland, or Scotland, not within the Jurisdiction of any Local Authority as herein-before defined, the Justices of the County in which the Place is situate in General or Quarter Sessions assembled:

The Salary of the Cattle Inspector, and all Expenses incurred by him in enforcing the Provisions of this Act, shall be payable out of the Dues, Tolls, or Stallages receivable in respect of the Markets or Fairs of which he is appointed Inspector, but in default of any such Dues, Tolls, or Stallages, or in so far as the same are insufficient, shall, where he is appointed by the Justices of a County, be defrayed out of the County Rate, or Rate in the Nature of a County Rate leviable by them; and in Cases where he is appointed by any other Local Authority, be defrayed out of any Rate leviable by that Local Authority.

For the Purposes of this Section, a County shall not include a County of a City or County of a Town, but shall include any Riding or other Division of a County or Liberty having a separate Commission of the Peace.

17. The

17. The following Exceptions and Provisions shall be made with respect to the Appointment of a Cattle Inspector under this Act: Exceptions and Provisions to Powers of Local Authority.

(1.) No fresh Appointment of a Cattle Inspector, under this Act, is required to be made in any Case where an Officer exercising the like or similar Functions already exists, and in such a Case the existing Officer shall be deemed to be invested with all the Powers of a Cattle Inspector as appointed under this Act:

(2.) Where the Right of holding or to receive the Profits arising from holding any Market or Fair is by Act of Parliament vested in any Body of Persons or Person other than a Local Authority as herein-before defined, the Power of the Local Authority to appoint a Cattle Inspector shall not arise until the said Body of Persons or Person have or has for some Period of Three Months made Default in appointing a Cattle Inspector, which Appointment they or he are and is hereby authorized to make.

18. All Powers given by this Act to a Local Authority shall be deemed to be in addition to and not in derogation of any other Powers conferred on that Authority by Act of Parliament, Law, or Custom, and such Local Authority may exercise such other Powers in the same Manner as if this Act had not passed. Powers given by Act cumulative.

PART V.

Legal Proceedings and Saving Clauses.

19. Penalties under this Act, and Expenses directed to be recovered in a summary Manner, may be recovered as follow: Recovery of Penalties.

In England, before Two Justices in Petty Sessions in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to Summary Convictions and Orders," or any Act amending the same:

In Ireland, before Two Justices in Petty Sessions in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in Ireland," or any Act amending the same:

In Scotland, before the Sheriff or Two Justices in manner directed by "The Railway Clauses Consolidation (Scotland) Act, 1845," with respect to Penalties imposed by that Act, the Recovery of which is not otherwise provided for:

Any Jurisdiction by this Section authorized to be exercised by Two Justices in Petty Sessions may be exercised by the following Magistrates within their respective Jurisdictions; that is to say, as to England by any Metropolitan Police Magistrate or other Stipendiary Magistrate sitting alone at a Police Court or other appointed Place, or by the Lord Mayor of the City of London or any Alderman of the said City sitting alone or with others at the Mansion House or Guildhall; as to Ireland, within the Police District of Dublin, by any One or more Divisional Magistrates of Police.

Saving of Common Law Remedies and Remedies under Penal Statutes.

20. Nothing in this Act contained shall affect any Remedy that may be had by Common Law or by any other Statute in respect of any Act or Default punishable by this Act; and it shall be lawful for any Person or Body of Persons to take the same Proceedings at Common Law, or by virtue of any other Statute, in respect of any such Act or Default as he or they might have taken if this Act had not passed.

PART VI.

Repeal of Acts.

Repeal of 11 & 12 Vict. c. 107. and 16 & 17 Vict. c. 62.

21. From and after the passing of this Act there shall be repealed the following Acts; that is to say:

An Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, intituled "An Act to prevent until the "First Day of September One thousand eight hundred and fifty, "and to the End of the then Session of Parliament, the spread- "ing of Contagions or Infections or infectious Disorders among "Sheep, Cattle, and other Animals:"

An Act passed in the Session holden in the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Sixty-two, intituled "An Act to extend and continue an Act of the "Twelfth Year of Her present Majesty, to prevent the spreading "of contagious or infectious Disorders among Sheep, Cattle, "and other Animals:"

So much of the Act passed in the Session holden in the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Ninety-five, as continues the last-mentioned Acts:

Provided, that such Repeal shall not affect any Order in Council in force at the Time of the passing of this Act, or the Power to revoke the

the same, but such Order and any Regulation made thereby shall remain in full Force until duly revoked or expired by Lapse of Time in the same Manner and with the same Effect as if this Act had not passed.

SCHEDULE.

Glanders.
Sheep Pox or Variola Ovina.
Pleuro-pneumonia.
The Disease known by the Names of Aphtha, Aphthous Fever, Murrain, and Foot and Mouth Disease.
Measles.
Steppe Murrain.

Cattle Diseases Prevention.

A

BILL

To make further Provisions for the Prevention of Infectious Diseases amongst Cattle.

(Prepared and brought in by Mr. Bruce and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 19 *February* 1864.

[Bill 27.]

Under 2 oz.

Cattle Diseases Prevention Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Make further Provisions for the Prevention of Infectious Diseases amongst Cattle.

WHEREAS it is expedient to consolidate and amend the Law for the Prevention of the Spread of contagious or infectious Diseases amongst Cattle in the United Kingdom of Great Britain and Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Diseased Cattle Act, 1864." Short Title of Act.

2. This Act shall apply to the whole of the United Kingdom. Application of Act.

3. In this Act "Cattle" shall include Horses, Mules, Asses, Neat Cattle of every Description, Sheep, Goats, and Swine. Definition of Cattle.

Definition of contagious or infectious Diseases.

4. For the Purposes of this Act the Expression "contagious or infectious Diseases" shall be deemed to mean the several Diseases mentioned in the First and Second Schedules hereto, and the Term "diseased" shall mean affected with any contagious or infectious Disease mentioned in either of the said Schedules.

PART I.

General Law as to diseased Cattle.

Public Exposure of diseased Cattle.

5. If any Person—

(1.) Turns out or leaves turned out in any Forest, Chase, Wood, Heath, Common, Open Field, Road Side, or other undivided or uninclosed Land, any Cattle affected with a Disease mentioned in the First Schedule hereto; or

(2.) Takes any Cattle affected with a Disease mentioned in the First Schedule hereto along any Highway without using all practicable Precautions to keep them separate from the Cattle of other Owners; or

(3.) Exposes for Sale any Cattle affected with a Disease mentioned in the First Schedule hereto in any Market, Fair, or other Place, whether public or private, where Cattle are commonly exposed for Sale, or brings the same for the Purposes of Sale into any such Market, Fair, or other Place as aforesaid; or

(4.) Brings any Cattle affected with a Disease mentioned in the First Schedule hereto into the Stations or within the Premises of any Railway, Boat, Canal, or other Company, or of any other Common Carrier of Cattle; or

(5.) Places any diseased Cattle in the Stable or other Buildings of an Inn, or in any other Stable or Building, without having given Notice to the Occupier of such Stable or Building of the Existence of Disease in the Cattle, and obtained his Permission to place them there;

knowing the Existence of Disease in any Animal to which this Section applies, he shall be liable in respect of every such Offence to a Penalty not exceeding Twenty Pounds; and any Justice of the Peace may, upon the Application of any Constable, or of any Owner of Cattle or his Servant, or of any Owner, Lessee, Clerk, Inspector, or other Officer of any Market or Fair, or of any Officer of a Railway Boat, Canal or other Company, or of any Common Carrier of Cattle or his Servant, make an Order directing any Constable to remove any Cattle affected with a Disease mentioned in the First Schedule hereto to a Place where they can be safely kept without Risk of infecting other Cattle; and all Expenses incurred in the Removal may be recovered from the Owner in a summary Manner.

The

The Owner of any Cattle in respect of which an Offence may be committed under this Section shall be liable to the Penalty hereby imposed, unless such Owner proves to the Justice or Sheriff before whom the Offence is tried that such Offence was committed against his Orders, and without his Privity or Consent, and in such Case the Person actually committing the Offence shall be liable to such Penalty. Liability of Owner of Cattle to Penalty.

6. Any such Local Authority as is herein-after named may set apart, within the Limits of any Market or Fair, or elsewhere within their Jurisdiction, a Place for the Sale of Cattle affected with any Disease other than a Disease mentioned in the said First Schedule; and whenever a Place shall have been so set apart and publicly notified, any Person who shall expose for Sale any Cattle affected with a Disease mentioned in the Second Schedule within the Limits of such Market or Fair, except in such Place so set apart, knowing the Existence of any such last-mentioned Disease in any Animal so exposed, he shall be liable in respect of every such Offence to a Penalty not exceeding Five Pounds. Market for Cattle affected with certain Diseases.

7. If any Person gives or causes to be given uncooked Flesh for Food to Swine, or wilfully allows Swine to get uncooked Flesh for Food, he shall be liable to a Penalty not exceeding Forty Shillings. Prohibition of feeding Swine on uncooked Flesh.

PART II.

Special Provisions against Epidemics in Cattle.

8. Her Majesty may, by Order in Council, make Regulations with respect to the following Matters: Special Regulations by Order in Council as to Cattle.

(1.) The prohibiting or regulating the Removal from any specified Part of the United Kingdom of Cattle, or of the Meat, Skins, Hides, Horns, Hoofs, or other Parts of Cattle, or of Hay, Straw, Fodder, or other Articles likely to propagate Infection:

(2.) The Examination of any Cattle, or of any Meat, Skin, Hides, Horns, Hoofs, or other Parts of Cattle:

(3.) The Purification of any Yard, Stable, Outhouse, or other Place in which diseased Cattle may have been confined, or over which they may have passed, and of any Cart, Waggon, Truck, Vessel, Boat, or other Vehicle in which they may have been carried:

(4.) The Destruction and Burial of any diseased Cattle:

(5.) The Destruction, Disinfection, or other Purification, as the Case may require, of such Hides, Horns, Hoofs, or other Parts of Cattle as may be suspected to have belonged to diseased Cattle:

(6.) The giving Notice by Owners, or others, of any contagious or infectious Diseases that may affect their Cattle:

Her Majesty may from Time to Time by a like Order in Council revoke or modify any subsisting Regulation, or make new Regulations in addition to or as a Substitute for any subsisting Regulation or Regulations.

Extent of Order in Council.

9. No Order in Council made under this Act shall apply to Cattle affected with the Diseases mentioned in the Second Schedule hereto.

Power to declare other Diseases contagious.

10. Her Majesty may from Time to Time by Order in Council declare any Disease not mentioned in the Schedules hereto to be contagious or infectious, and thereupon Cattle affected with such Disease shall be subject to all the Provisions of this Part of this Act.

Application of Order and Penalty for Disobedience.

11. Any Order in Council made under this Act shall be valid if signed by Two or more Members of Her Majesty's Most Honourable Privy Council. The Order shall state the Part of the United Kingdom to which it applies, and the Time during which it is to be in force; and any Person offending against any Regulations made by such Order shall be liable to a Penalty not exceeding Twenty Pounds, or to such less Penalty as may be stated in the Order.

Orders in Council to be published in Gazette and County Newspapers.

12. Any Order in Council made under this Act shall be published once in the London Gazette and twice in some Newspaper or Newspapers circulating in the Part of the United Kingdom to which it applies, and shall not come into operation until Four Days at the least after its Publication in the London Gazette.

A printed Copy of the London Gazette purporting to contain a Copy of any Order purporting to be made in pursuance of this Act shall be primâ facie Evidence of the Contents of such Order.

Orders in Council to be laid before Parliament.

13. A Copy of every Order in Council made under this Act shall be laid before both Houses of Parliament as soon as conveniently may be after the Issue of the same, if Parliament be then sitting, and if Parliament be not then sitting, then within Fourteen Days after the Commencement of the then next Session of Parliament.

Obstructing Persons carrying into effect Orders in Council.

14. If any Person wilfully obstructs or impedes or aids in obstructing or impeding any Person acting under the Authority of an Order in Council made in pursuance of this Act, he shall be liable, at the Discretion of Two Justices of the Peace having Jurisdiction in the County or Place wherein such Offence may be committed, (who are hereby authorized and required upon Complaint to them, upon Oath,

to

to take cognizance thereof, and to act summarily in the Premises,) to a Penalty not exceeding Five Pounds, and in default of Payment thereof to be imprisoned for any Term not exceeding Two Calendar Months, unless the Amount of the Penalty be sooner discharged.

PART III.

Carriage of Cattle.

Cleaning Trucks.

15. Every Railway, Canal, or other Company or Common Carrier that carries Cattle for Hire within any Part of the United Kingdom shall, before putting any Cattle into any Truck, Boat, or other Vehicle, cause the said Truck, Boat, or other Vehicle to be properly cleansed, and (in Cases where diseased Cattle have been carried in such Truck, Boat, or other Vehicle) to be disinfected by a washing of Lime Water or by some other efficient Means.

Any Company or Common Carrier making Default in cleansing and disinfecting any Truck, Boat, or other Vehicle in pursuance of this Section shall be liable to a Penalty not exceeding One Pound in respect of each such Truck or other Vehicle not being a Boat, and to a Penalty not exceeding Five Pounds in respect of each Boat.

Watering Cattle.

16. Every Railway Company that carries Cattle within any Part of the United Kingdom shall provide at its Terminal Stations sufficient Means for supplying the said Cattle with Water to drink, and shall also provide such Means, at Intervals of not more than One hundred Miles on its Railway from the Terminal Stations thereof, together with Wharves and Pens at such Intervals fit for the unlading of such Cattle and keeping them to be watered.

When a Railway Company is by Lease or otherwise in possession of another Railway, and is working that other Railway continuously with its own Railway, the Two Railways shall for the Purposes of this Enactment be considered as One continuous Railway, and the said Railway Company shall provide such Means as aforesaid at Intervals of not more than One hundred Miles from the Terminal Stations of the Railways so worked continuously.

Every such Railway Company shall, at the Request of the Person in charge of the said Cattle, detach at such Watering Places the Truck in which the said Cattle may be conveyed, and shall afford all reasonable Facilities for the unloading, watering, and reloading the said Cattle, and for forwarding them by the next convenient Train.

The Railway Company may make a reasonable Charge (not exceeding Twopence for each Head of Cattle) for so unloading, watering, and reloading.

Any Company acting in contravention of this Section shall incur a Penalty not exceeding Five Shillings for each Head of Cattle that is not so supplied with Water.

Carriers may refuse to carry Cattle unless certified to be sound.

17. Every Railway, Canal, or other Company or Common Carrier may refuse to carry and prohibit from entering on their or his Premises any Cattle without a Certificate signed by the Owner or the Consignor, or the Person in charge of such Cattle, that they are not diseased to the best of his Knowledge and Belief; and any such Company or Carrier as aforesaid may recover in a summary Manner from the Owner or the Person in charge of any diseased Cattle that they or he may have carried without knowing the Fact of their being diseased any Expenses they or he may be put to in disinfecting their or his Trucks, Boats, or other Vehicles, or otherwise may incur by reason of having carried such diseased Cattle.

PART IV.

Cattle at Markets and Fairs.

Power of Officer of Local Authority at Markets and Fairs.

18. Any Local Authority, as herein-after defined, may make Regulations with respect to the Examination of all Cattle brought to or on their Way to any Market or Fair held within their Jurisdiction; and it shall be lawful for any Officer appointed by such Local Authority, and herein-after called a Cattle Inspector, to examine the said Cattle, and to exclude from the Market or Fair any of them that he may deem to be affected with any contagious or infectious Disease, or, in the Case of Cattle used for Human Food, with any other Disease rendering them unfit for Human Food, and to require any Cattle affected with any infectious or contagious Disease to be forthwith removed to such Distance from the Market or Fair as the Cattle Inspector may think necessary for preventing the Spread of Infection: Any Person obstructing the said Cattle Inspector in performance of his Duties, or refusing to comply with his Orders, shall be liable, for every Offence of Obstruction or Non-compliance, to a Penalty not exceeding Five Pounds, and to all Expenses that may have been occasioned by such Obstruction or Non-compliance; and all Constables are required, on the Request of the said Cattle Inspector, to assist him in carrying into execution the Powers conferred by this Section.

All Powers conferred on the said Cattle Inspector by this Section shall be deemed to be in addition to any other Power which he may be enabled to exercise under the other Provisions of this Act, and it shall be lawful for him to take such Steps as may be thought expedient for enforcing any other Provisions of this Act.

19. Subject

19. Subject to the Exceptions and Provisions herein-after contained, the following Bodies shall respectively be the Local Authorities to appoint Cattle Inspectors, under this Act, in the Districts herein-after mentioned; (that is to say,) Definition of Local Authority.

(1.) In the City of London, the Court of the Lord Mayor and Aldermen of the said City:

(2.) In the Area subject to the Jurisdiction of the Metropolitan Board of Works, exclusive of the City of London, the Metropolitan Board of Works:

(3.) In any Municipal Borough in England or Ireland, the Town Council:

(4.) In any Place other than a Municipal Borough situate in England or Ireland, and within the Jurisdiction of any Trustees or Improvement Commissioners appointed under the Provisions of any Local or General Act of Parliament, or within the Jurisdiction of any Local Board of Health, the Trustees, or Commissioners, or Local Board of Health:

(5.) In any Burgh or Place in Scotland within the Jurisdiction of any Town Council, and not subject to the Jurisdiction of Police Commissioners or Trustees, the Town Council; but in any Burgh or Place in Scotland within the Jurisdiction of Police Commissioners or Trustees exercising the Functions of Police Commissioners, the Police Commissioners or Trustees:

(6.) In any Place in England, Scotland, or Ireland, not within the Jurisdiction of any Local Authority as herein-before defined, the Justices of the County in which the Place is situate in General or Quarter Sessions assembled:

The Salary of the Cattle Inspector, and all Expenses incurred by him in enforcing the Provisions of this Act, shall, except as herein-after mentioned, be payable out of the Dues, Tolls, or Stallages receivable in respect of the Markets or Fairs of which he is appointed Inspector, but in default of any such Dues, Tolls, or Stallages, or in so far as the same are insufficient, shall where he is appointed by the Justices of a County, be defrayed out of the County Rate, or Rate in the Nature of a County Rate leviable by them; and in Cases where he is appointed by any other Local Authority, be defrayed out of any Rate leviable by that Local Authority.

Where Dues, Tolls, or Stallages receivable in respect of any Market or Fair are the private Property of any Person, or otherwise appropriated by Law to the private Use of any Person, such Dues, Tolls, and Stallages shall not, without the Consent of such Person, be applicable to the Payment of the Salary of any Inspector appointed under this Section, and such Salary shall thereupon be payable as in default of Dues, Tolls, and Stallages; and where any Dues, Tolls,

or Stallages chargeable by this Act with the Salary of any Cattle Inspector are subject to any Mortgage, all Principal and Interest payable in respect of such Mortgage shall be fully satisfied before any Payment is made on account of the Salary of the Cattle Inspector.

For the Purposes of this Section, a County shall not include a County of a City or County of a Town, but shall include any Riding or other Division of a County or Liberty having a separate Commission of the Peace.

Exceptions and Provisions to Powers of Local Authority.

20. The following Exceptions and Provisions shall be made with respect to the Appointment of a Cattle Inspector under this Act:

(1.) No fresh Appointment of a Cattle Inspector, under this Act, is required to be made in any Case where a Cattle Inspector or other Officer having Power to examine Cattle brought into a Market or Fair already exists, and in such a Case the existing Officer shall be deemed to be invested with all the Powers of a Cattle Inspector as appointed under this Act:

(2.) Where the Right of holding or to receive the Profits arising from holding any Market or Fair is vested in any Body of Persons or Person other than a Local Authority as herein-before defined, the Power of the Local Authority to appoint a Cattle Inspector shall not arise until the said Body of Persons or Person have or has for some Period of Six Months made Default in appointing a Cattle Inspector, which Appointment they or he are and is hereby authorized to make.

Powers given by Act cumulative.

21. All Powers given by this Act to a Local Authority shall be deemed to be in addition to and not in derogation of any other Powers conferred on that Authority by Act of Parliament, Law, or Custom, and such Local Authority may exercise such other Powers in the same Manner as if this Act had not passed.

PART V.

Legal Proceedings and Saving Clauses.

Recovery of Penalties.

22. Penalties under this Act, and Expenses directed to be recovered in a summary Manner, may be recovered as follow:

In England, before Two Justices in Petty Sessions in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Perform- "ance of the Duties of Justices of the Peace out of Sessions "within

"within England and Wales with respect to Summary Convictions and Orders," or any Act amending the same:

In Scotland, before the Sheriff or Two Justices in manner directed by "The Railway Clauses Consolidation (Scotland) Act, 1845," with respect to Penalties imposed by that Act, the Recovery of which is not otherwise provided for:

In Ireland, before Two Justices in Petty Sessions in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-three, intituled "An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in Ireland," or any Act amending the same:

Any Jurisdiction by this Section authorized to be exercised by Two Justices in Petty Sessions may be exercised by the following Magistrates within their respective Jurisdictions; that is to say, as to England by any Metropolitan Police Magistrate or other Stipendiary Magistrate sitting alone at a Police Court or other appointed Place, or by the Lord Mayor of the City of London or any Alderman of the said City sitting alone or with others at the Mansion House or Guildhall; as to Ireland, within the Police District of Dublin, by any One or more Divisional Magistrates of Police.

Appeal to Quarter Sessions.

23. In England if any Party feels aggrieved by the Dismissal of his Complaint by the Justices, or by any Adjudication of the Justices with respect to any Penalty under this Act, the Party so aggrieved may appeal therefrom, subject to the Conditions and Regulations following:

1. The Appeal shall be made to some Court of General or Quarter Sessions for the County or Place in which the Cause of Appeal has arisen, holden not less than Fifteen Days and not more than Four Months after the Decision of the Justices from which the Appeal is made:
2. The Appellant shall, within Seven Days after the Cause of Appeal has arisen, give Notice to the other Party and to the Justices of his Intention to appeal, and of the Ground thereof:
3. The Appellant shall, immediately after such Notice, enter into a Recognizance before a Justice of the Peace, with Two sufficient Sureties, conditioned personally to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court:
4. The Court may adjourn the Appeal, and upon the Hearing thereof they may confirm, reverse, or modify the Decision of

the Justices, with or without Costs to be paid by either Party.

In Scotland and Ireland an Appeal may be had in manner in that Behalf provided by Law.

Saving of Common Law Remedies and Remedies under Penal Statutes.

24. Nothing in this Act contained shall affect any Remedy that may be had by Common Law or by any other Statute in respect of any Act or Default punishable by this Act; and it shall be lawful for any Person or Body of Persons to take the same Proceedings at Common Law, or by virtue of any other Statute, in respect of any such Act or Default as he or they might have taken if this Act had not passed.

PART VI.

Repeal of Acts.

Repeal of 38 G. 3. c. 65., 11 & 12 Vict. c. 107., and 16 & 17 Vict. c. 62.

25. From and after the passing of this Act there shall be repealed the following Acts; that is to say:

An Act passed in the Thirty-eighth Year of His Majesty King George the Third, Chapter Sixty-five, intituled "An Act for "preventing the depasturing of Forests, Commons, and Open "Fields with Sheep or Lambs infected with the Scab or Mange "in that Part of Great Britain called England:"

An Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and seven, intituled "An Act to prevent until the "First Day of September One thousand eight hundred and fifty, "and to the End of the then Session of Parliament, the spread-"ing of contagious or infectious Disorders among Sheep, Cattle, "and other Animals:"

An Act passed in the Session holden in the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Sixty-two, intituled "An Act to extend and continue an Act of the "Twelfth Year of Her present Majesty, to prevent the spreading "of contagious or infectious Disorders among Sheep, Cattle, "and other Animals:"

So much of the Act passed in the Session holden in the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter Ninety-five, as continues the last-mentioned Acts:

Provided, that such Repeal shall not affect any Order in Council in force at the Time of the passing of this Act, or the Power to revoke the same, but such Order and any Regulation made thereby shall remain in full Force until duly revoked or expired by Lapse of Time in the ame Manner and with the same Effect as if this Act had not passed

SCHE-

SCHEDULE I.

Glanders.
Sheep Pox or Variola Ovina.
Steppe Murrain.

SCHEDULE II.

Pleuro-pneumonia.
Scab.

Cattle Diseases Prevention.

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BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To make further Provisions for the Prevention of Infectious Diseases amongst Cattle.

(Prepared and brought in by Mr. Bruce and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed*, 27 *June* 1864.

[Bill 175.]

Under 2 oz.

Cattle, &c. Importation Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Preliminary.

Short Title and Construction of Act; Sect. 1.

PART I.

Diseased Cattle.

Definition of Domestic Animals; 2.
Power to regulate by Order in Council the Importation of Domestic Animals; 3.
Cleansing of Ship that has carried Animals; 4.

PART II.

Unwholesome Meat.

Power to regulate by Order in Council the Importation of Meat; 5.

PART III.

General Provisions.

Publication of Orders in Council; 6.
Penalties imposed by Act; 7.
Expenses of carrying Act into execution; 8.

PART IV.

Repeal of former Act.

Repeal of 11 & 12 Vict. c. 105.;—9.

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B I L L

FOR

The Amendment of the Law relating to the Importation of Diseased Cattle and Unwholesome Meat.

WHEREAS it is expedient to consolidate and amend the Laws relating to the Importation into the United Kingdom of Horses, Cattle, and other Domestic Animals affected by contagious or infectious Diseases, and to prevent the Introduction by Sea of unwholesome Meat, Fish, or other Animal Substances intended for Human Food: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Preliminary.

1. This Act may be cited for all Purposes as "The Cattle and Meat Importation Act, 1864." Short Title and Construction of Act.

This Act shall be construed as One with the other Acts relating to the Customs.

The Isle of Man and the Channel Islands shall, for the Purposes of this Act, be deemed to be Part of the United Kingdom.

Part I.

Diseased Cattle.

2. The Expression "Domestic Animals" shall include Horses, Mules, Asses, Neat Cattle of every Description, Sheep, Goats, Swine, and all Domestic Animals. Definition of Domestic Animals.

Power to regulate by Order in Council the Importation of Domestic Animals.

3. Her Majesty may, by Order in Council, make Regulations with respect to the following Matters or any of them:

(1.) The Examination of any Domestic Animals that may be imported by Sea into any Part of the United Kingdom from Parts beyond Seas, or be removed by Sea from One Part of the United Kingdom to another Part thereof:

(2.) The subjecting to Quarantine for a Time, to be specified in the Order, any Animals so imported or removed as aforesaid:

(3.) The Destruction of any Animals so imported or removed as aforesaid that may be affected with any contagious or infectious Disease, or the Maintenance of such Animals at the Expense of the Importer or Remover in some Place to be approved by and to be under the Supervision of the Officers of Her Majesty's Customs:

(4.) The Examination of Hides, Horns, Hoofs, or any Parts of Animals that may be imported into the United Kingdom from Parts beyond Seas, or be removed by Sea from One Part of the United Kingdom to another Part thereof, and the Destruction, Disinfection, or other Purification, as the Case may require, of such of the said Hides, Horns, Hoofs, or other Parts of Animals as may be suspected to have belonged to Animals affected by contagious or infectious Diseases, or may be deemed capable of propagating contagious or infectious Diseases:

(5.) The Destruction, Disinfection, or Purification of any Hay, Straw, Fodder, or other Article deemed capable of propagating any contagious or infectious Disease, and found in any Vessel that may have been used for the Carriage of any Animal affected with any contagious or infectious Disease, or of any Article that may have been used in packing or been in contact with any such Hides, Horns, Hoofs, or other Parts of Animals as aforesaid, and may be deemed capable of propagating any contagious or infectious Disease:

(6.) The prohibiting altogether for a limited Time the Importation of all or any Domestic Animals, or any Parts thereof, from any Parts beyond Seas where infectious or contagious Diseases amongst the said Animals are known to prevail, and the prohibiting altogether for a limited Time the Removal by Sea of all or any Domestic Animals, or any Parts thereof, from One Part of the United Kingdom where infectious or contagious Diseases amongst the said Animals are known to prevail to another Part thereof:

(7.) The disinfecting or otherwise purifying, at the Expense of the Importer, any Quay on which Animals so imported or removed as aforesaid and affected with a contagious or infectious Disorder may be landed, or any other Place over which they may pass or in which they may be confined:

(8.) The

(8.) The supplying with Water and Food previously to their being sent elsewhere any Domestic Animals that may be imported into the United Kingdom from Parts beyond Seas, or be removed by Sea from One Part of the United Kingdom to another Part thereof:

Her Majesty may from Time to Time, by a further Order in Council, revoke altogether or modify any Regulations made in pursuance of this Section, or make new Regulations in the Place of or in addition to any subsisting Regulations.

Cleansing of Ship that has carried Animals.

4. A Vessel that has been used for the Carriage of Domestic Animals shall not leave any Port in the United Kingdom until the Parts of the Vessel in which such Animals were carried have been cleansed, and, if necessary, disinfected or otherwise purified, to the Satisfaction of the Officers of Her Majesty's Customs; and if any Vessel leaves any Port in contravention of this Section, the Master of that Vessel shall forfeit *One hundred Pounds*, to be recovered and applied in manner in which Penalties are recoverable and applicable under the Acts relating to the Customs.

Part II.

Unwholesome Meat.

Power to regulate by Order in Council the Importation of Meat.

5. Her Majesty may, by Order in Council, make Regulations with respect to the following Matters:

(1.) The Examination of all Meat, Poultry, Game, Fish, and Animal Substances intended for Human Food, that may be imported by Sea into any Part of the United Kingdom from Parts beyond Seas, or be removed by Sea from One Part of the United Kingdom to another Part thereof:

(2.) The Destruction of any such Meat, Poultry, Game, Fish, or Animal Substances as may be unfit for Human Food:

(3.) The Destruction, Disinfection, or Purification of any Article which may have been used in packing or may have been in contact with any such Meat, Poultry, Game, Fish, or other Animal Substances as may be unfit for Human Food, and which may, if left undestroyed or without being disinfected or purified, be calculated to produce Disease:

And Her Majesty may from Time to Time, by a further Order in Council, revoke altogether or modify any Regulations made in pursuance of this Section, or make new Regulations in the Place of or in addition to any subsisting Regulations.

Part III.

General Provisions.

Publication of Orders in Council.

6. A Copy of all Orders in Council made in pursuance of this Act shall be published in the London Gazette, and take effect from the Day of such Publication, or from such other Time as may be specified in the Order.

A printed Copy of the London Gazette purporting to contain a Copy of any Order purporting to be made in pursuance of this Act shall be primâ facie Evidence of the Contents of such Order.

A Copy of all Orders in Council made in pursuance of this Act shall be laid before both Houses of Parliament within *Six Weeks* after the Publication of the same, if Parliament be then sitting, and if not within *Six Weeks* after the Commencement of the then next Session of Parliament.

Penalties imposed by Act.

7. Any Animal or Part of an Animal, any Meat, Poultry, Game, Fish, or Animal Substances, imported in contravention of any Regulation made in pursuance of this Act, shall be deemed to be included in the List of "Goods absolutely prohibited to be imported" by the Acts relating to the Customs; and such Animal, Part of an Animal, Meat, Poultry, Game, Fish, or Animal Substances, shall be forfeited, and the Importer thereof shall be liable to a Penalty not exceeding *One hundred Pounds.*

Expenses of carrying Act into execution.

8. All Expenses incurred by the Officers of Customs in carrying into execution this Act or any Regulation made thereunder, with the Exception of the Expenses of examining the Animals and Animal Substances to which this Act applies, shall be defrayed by the Importer, and may be recovered from him, at the Suit of any Officer of the Customs, in manner in which the Penalties imposed by Regulations are hereby made recoverable.

Part IV.

Repeal of former Act.

Repeal of 11 & 12 Vict. c. 105.

9. There shall be repealed the Act passed in the Session of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter One hundred and five, and intituled "An Act to prohibit "the Importation of Sheep, Cattle, or other Animals, for the Purpose "of preventing the Introduction of contagious or infectious Dis- "orders;" but such Repeal shall not affect any Order in Council in force at the Time of the passing of this Act, or the Power to revoke the same; and any such Order, and any Regulation made thereby, shall remain in full Force until duly revoked or expired by lapse of Time, in the same Manner and with the same Effect as if this Act had not passed.

Cattle, &c. Importation.

A

BILL

For the Amendment of the Law relating to the Importation of Diseased Cattle and Unwholesome Meat.

(*Prepared and brought in by Mr. Bruce and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 19 *February* 1864.

[Bill 28.]

Under 1 *oz.*

A

BILL

FOR

Regulating the Proving and Sale of Chain Cables and Anchors.

Preamble.

WHEREAS it is essential, for the better Security of Lives and Property afloat in Sea-going Ships, to make Provision for the Use by all British Vessels, engaged either in the Foreign or Coasting Trade, of efficient Cables and Anchors, and to provide for the proper testing thereof, to secure requisite Strength of Construction: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Board of Trade may grant Licences for proving Chain Cables and Anchors, and may suspend or revoke Licences.

1. The Board of Trade may from Time to Time grant to such Corporate or Public Bodies or Companies, or Persons, not being Manufacturers of Chain Cables or Anchors, as they may approve, Licence to erect Proving Establishments, Apparatus, and Machinery suitable for the testing of Chain Cables and Anchors by means thereof, subject to the Provisions of this Act, and the Board may suspend or revoke any Licence so granted, if the Board shall see Occasion; and the Expression "Tester" in this Act applies to every Corporation, Public Body, Company, or Persons to whom such

Licence shall be granted, so long as such Licence continues in force.

Testers may provide Proving Establishments.

2. Every Corporation, Public Body, Company, or Persons to whom such Licence shall be granted may erect and maintain such Proving Establishments, Apparatus, and Machinery, and may raise Money for that Purpose by way of Loan, secured by Mortgage of such Establishments, Apparatus, and Machinery, or of other Property of such Corporation, Public Body, Company, or Persons.

Tester to test all Cables and Anchors in proper Order, and impress the same with authorized Proof Mark.

3. Every Tester shall, with all reasonable Despatch, subject every Chain Cable and Anchor that shall be brought to the Testing Establishment of such Tester for the Purpose of being proved, and (except in such Cases where the Parties interested may otherwise agree) in the Order in which such Chain Cables and Anchors respectively shall be so brought, to the same Tensile Strain as that to which Chain Cables and Anchors of the same Size are subjected before being received for the Use of Her Majesty's Naval Service, and shall stamp every such Chain Cable and Anchor as shall be found equal to the Admiralty Standard with a Stamp or Die to be provided for that Purpose, denoting that such Chain Cable and Anchor has been "proved," and which shall bear the Name of the Tester; and every Chain Cable and Anchor shall be deemed equal to Admiralty Proof, within the Meaning of this Act, which shall, upon testing, be found capable of enduring such Tensile Strain as will be in accordance with the Admiralty Scale and with the authorized Regulations for the Time being in force with respect to Chain Cables and Anchors used in Her Majesty's Ships.

As to Charges for testing and affixing Proof Mark.

4. Every Tester may make such Charges for the testing and stamping with Proof Mark any Chain Cable or Anchor as such Tester may think fit, not exceeding the Scale of Charges authorized by the Board of Trade; and such Tester shall affix upon some conspicuous Part of the Testing Premises a Table of the Charges so authorized to be taken by such Tester; and such Table shall be painted upon a Board or Boards in distinct Black Letters on a White Ground or in White Letters upon a Black Ground, or may be printed in legible Characters on Paper affixed to such Board or Boards; and it shall not be lawful for such Tester to make any Alteration in such Table or in any of the Charges therein specified until such Alteration shall have been approved by the Board of Trade, and the Tester shall have caused Notice in Writing of the intended Alteration to be written or printed on Paper, and such Paper shall have been, for a Period of not less than *Three* Months, affixed

affixed to such Table, so that the same shall be clearly legible by all Persons who may consult such Table.

Power for Tester to detain Chain Cable, &c.

5. Any Tester may detain any Chain Cable or Anchor which shall have been so tested until such Charge shall be paid; and if such Charge shall not be paid within *Three* Months after the testing of such Chain Cable or Anchor, the Tester may cause such Chain Cable or Anchor to be sold by Auction, and shall out of the Purchase Money deduct therefrom the Expenses of such Sale, and all other Expenses incurred by such Tester with respect to such Chain Cable and Anchor, including all lawful Charges on the same, and shall pay the Surplus thereof (if any), on Demand, to the Owner of such Chain Cable or Anchor, or to the Captain or Master of the Vessel, or other Person on whose Application the Chain Cable or Anchor had been tested.

Tester, on Application, to give Certificate of Test.

6. When any Tester shall have tested and stamped any Chain Cable or Anchor as being equal to the Admiralty Standard, such Tester shall, if requested by the Person on whose Application the same was tested, make out and deliver, free of Charge, to such Person, a Certificate of such testing.

After 1st July 1865 it shall be unlawful for Makers and Dealers to sell unproved Chain Cables and Anchors.

7. From and after the *First* Day of *July One thousand eight hundred and sixty-five* it shall not be lawful for any Maker or Dealer in Chain Cables and Anchors to sell or supply for the Use of any Vessel any Chain Cable or Anchor which shall not have been previously tested and duly stamped in accordance with the Provisions of this Act.

After 1st Jan. 1865 Vessels to be equipped with stamped Chain Cables and Anchors.

8. From and after the *First* Day of *January One thousand eight hundred and sixty-five* all Vessels to which this Act applies, in any Port of the United Kingdom, shall be deemed insufficiently equipped with Chain Cables and Anchors which have not been duly stamped with Proof Mark as required by the Provisions of this Act; and it shall be lawful for the Customs Authorities, previous to granting necessary Port Clearance, to require the Master or Owner of every such Vessel, or other Person in charge thereof for the Time being, to produce Proof Certificates, in accordance with the Provisions of this Act, of the Vessel's Equipment with Chain Cables and Anchors: Provided always, that no Ship shall be deemed insufficiently equipped by reason of the Use of Chain Cables and Anchors procured while on a Voyage to replace Chain Cables and Anchors lost by Stress of Weather or other Accident, but such Chain Cables and Anchors so procured shall be tested, as required by this Act, previous to the

Chain Cables and Anchors.

A

BILL

For regulating the Proving and Sale of Chain Cables and Anchors.

(*Prepared and brought in by Mr. Laird and Sir James Elphinstone.*)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1864.

[Bill 9.]

Under 1 *oz.*

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Regulating the Proving and Sale of Chain Cables and Anchors.

WHEREAS it is essential, for the better Security of Lives and Property afloat in Sea-going Ships, to make Provision for the proper testing of Chain Cables and Anchors: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

The Board of Trade may grant Licences for proving Chain Cables and Anchors, and may suspend or revoke Licences.

1. The Board of Trade may from Time to Time grant to such Corporate or Public Bodies or Companies, Person or Persons as they may approve, Licence to erect Proving Establishments, Apparatus, and Machinery suitable for the testing of Chain Cables and Anchors by means thereof, subject to the Provisions of this Act, and the Board may suspend or revoke any Licence so granted, if the Board shall see Occasion; and the Expression "Tester" in this Act applies to every Corporation, Public Body, or Company, Person or Persons to whom such Licence shall be granted, so long as such Licence continues in force.

Whenever Licence granted, a resident Inspector to be appointed by Board of Trade.

2. Whenever a Licence shall be granted under this Act, a resident Inspector shall be appointed by the Board of Trade, and the testing and proving of all Chain Cables and Anchors shall be carried on and conducted under the Control and Superintendence of such Person, to be called the Superintendent; such Superintendent to be removable by the Board of Trade, and the Salary or Remuneration of such Superintendent being fixed, from Time to Time by the Board of Trade, and paid by the Tester so licensed.

Testers may provide Proving Establishments.

3. Every Corporation, Public Body, or Company, Person or Persons to whom such Licence shall be granted may erect and maintain such Proving Establishments, Apparatus, and Machinery, and may, notwithstanding the Provisions of any previous Act limiting the Amount of Money to be raised by such Corporation or Public Body, raise Money for that Purpose by way of Loan, secured by Mortgage of such Establishments, Apparatus, and Machinery, or of other Property of such Corporation, Public Body, or Company.

Tester to test all Cables and Anchors in proper Order, and impress the same with authorized Proof Mark.

4. Every Tester shall, with all reasonable Despatch, subject every Chain Cable and Anchor that shall be brought to the Testing Establishment of such Tester for the Purpose of being proved, and (except in such Cases where the Parties interested may otherwise agree) in the Order in which such Chain Cables and Anchors respectively shall be so brought, to the same Tensile Strain as that to which Chain Cables and Anchors of similar Size, Weight, or Description are or shall be subjected before being received for the Use of Her Majesty's Naval Service, and shall stamp every Five Fathoms in Length of every such Chain Cable, and also every such Anchor as shall be found equal to the Admiralty Standard for the Time being, with a Stamp or Die to be provided for that Purpose, denoting that such Chain Cable and Anchor has been "proved," and which shall bear the Mark of the Tester.

As to Charges for testing and affixing Proof Mark.

5. Every Tester may make such Charges for the testing and stamping with Proof Mark any Chain Cable or Anchor as such Tester may think fit, not exceeding the Scale of Charges authorized by the Board of Trade by the Licence to be granted to such Tester; and such Tester shall affix upon some conspicuous Part of the Testing Premises a Table of the Charges so authorized to be taken by such Tester; and such Table shall be painted upon a Board or Boards in distinct Black Letters on a White Ground or in White Letters upon a Black Ground, or may be printed in legible Characters on Paper affixed to such Board or Boards; and it shall not be lawful for such Tester to make any Alteration in such Table or in any of the Charges therein specified until

until such Alteration shall have been approved by the Board of Trade, and the Tester shall have caused Notice in Writing of the intended Alteration to be written or printed on Paper, and such Paper shall have been, for a Period of not less than *Three* Months, affixed to such Table, so that the same shall be clearly legible by all Persons who may consult such Table.

Power for Tester to detain Chain Cable, &c.

6. Any Tester may detain any Chain Cable or Anchor which shall have been so tested until such Charge shall be paid; and if such Charge shall not be paid within *Three* Months after the testing of such Chain Cable or Anchor, the Tester may cause such Chain Cable or Anchor to be sold by Auction, and shall out of the Purchase Money deduct therefrom the Expenses of such Sale, and all other Expenses incurred by such Tester with respect to such Chain Cable and Anchor, including all lawful Charges on the same, and shall pay the Surplus thereof (if any), on Demand, to the Owner of such Chain Cable or Anchor, or to the Captain or Master of the Vessel, or other Person on whose Application the Chain Cable or Anchor had been tested.

Tester, on Application, to give Certificate of Test.

7. When any Tester shall have tested and stamped any Chain Cable or Anchor as being equal to the Admiralty Standard, such Tester shall, if requested by the Person on whose Application the same was tested, make out and deliver, free of Charge, to such Person, a Certificate of such testing.

After 1st July 1865 it shall be unlawful for Makers and Dealers to sell unproved Chain Cables and Anchors.

8. From and after the *First* Day of *July One thousand eight hundred and sixty-five* it shall not be lawful for any Maker or Dealer in Chain Cables and Anchors to sell or supply for the Use of any Vessel any Chain Cable or Anchor which shall not have been previously tested and duly stamped in accordance with the Provisions of this Act.

Persons committing certain Offences to be guilty of a Misdemeanor.

9. If any Person shall stamp or assist in stamping any Chain Cable or Anchor with the Stamp of any Tester, or with a Stamp or Mark purporting to be the Stamp of any Tester, without the Authority of the Tester whose Stamp shall have been so used or counterfeited, or with any other Stamp or Mark, for the Purpose or with the Intention of passing such Chain Cable or Anchor, or of allowing or assisting in the same being passed as a Chain Cable or Anchor duly tested and stamped under the Power of this Act, or if any Person, knowing any such Chain Cable or Anchor to have been so wrongfully marked or stamped as aforesaid, shall sell the same, or shall deliver the same to any Person to be taken or used as Part of the Equipment of any Vessel, or if any Person shall

write out and deliver to any Person any Certificate or Document purporting to be a Certificate under this Act, that any Chain Cable or Anchor has been tested and stamped under the Provisions of this Act, knowing that the Chain Cable and Anchor referred to in such Certificate or Document had not been so tested or stamped, or having been tested had been found not equal to the Admiralty Standard, every Person so offending shall for every such Offence be guilty of a Misdemeanor.

Act not to relieve Maker of Chain Cables from Responsibility to which liable if Act had not passed.

10. No Maker of, or a Dealer in, Chain Cables or Anchors, Shipowner, or other Person, shall by reason of this Act, or of anything done thereunder, be relieved from any Responsibility in respect of any Chain Cable or Anchor made, sold, or used by him to which, but for this Act, he would have been subject.

Chain Cables and Anchors.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For regulating the Proving and Sale of Chain Cables and Anchors.

(Prepared and brought in by Mr. Laird and Sir James Elphinstone.)

Ordered, by The House of Commons, *to be Printed,* 15 *March* 1864.

[Bill 46.] *Under* 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE, AND ON FIRST AND SECOND RE-COMMITMENTS]

FOR

Regulating the Proving and Sale of Chain Cables and Anchors.

WHEREAS it is essential, for the better Security of Lives and Property afloat in Sea-going Ships, to make Provision for the proper testing of Chain Cables and Anchors: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Any Corporation, Public Body, or Company may erect and maintain Proving Establishments, Apparatus, and Machinery suitable for the testing of Chain Cables or Anchors, and may, notwithstanding the Provisions of any previous Act limiting the Amount of Money to be raised by such Corporation or Public Body, or Company, raise Money for that Purpose by way of Loan, secured by Mortgage of such Establishments, Apparatus, and Machinery, and of the Income to be derived therefrom, or of other Property of Corporations, &c. may provide Proving Establishments.

such Corporation, Public Body, or Company: Provided always as follows:—

(1.) Nothing in this Act shall relieve any Corporation or Public Body from the Necessity of obtaining for any borrowing by them under this Act the Consent of any Authority or Person whose Consent is by Law requisite to any borrowing by them otherwise than under this Act.

(2.) Where the Consent of any Authority or Person is not by Law requisite to any borrowing by any Corporation or Public Body otherwise than under this Act, the Consent of the Commissioners of Her Majesty's Treasury to any borrowing by that Corporation or Public Body under this Act is hereby made requisite.

(3.) Nothing in this Act shall empower any Company to borrow Money under this Act otherwise than in such Manner and subject to such Restrictions as are prescribed in relation to any borrowing by them for Purposes other than the Purposes of this Act, and if none are prescribed, then in such Manner and under such Restrictions as may be prescribed by Resolution of the Company adopted by Three Fifths at least of the Votes of the Shareholders of the Company present (personally or by proxy) at a General Meeting of the Company specially convened for the Purpose.

(4.) Any Mortgage or Charge created or to be created under any Power existing at the passing of this Act on any Property of any such Corporation, Public Body, or Company, other than such Establishments, Apparatus, and Machinery as aforesaid, shall have Priority over any Mortgage created under the Powers of this Act on the same Property.

The Board of Trade may grant Licences for proving Chain Cables and Anchors, and may suspend or revoke Licences.

2. The Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations, hereafter in this Act called the Board of Trade, may from Time to Time grant to any Corporation, Public Body, or Company, Person or Persons erecting any Proving Establishment, Apparatus, and Machinery suitable for the testing of Chain Cables or Anchors Licence to test Chain Cables and Anchors under this Act, and the Board may suspend or revoke any Licence so granted, if the Board shall see Occasion; and the Expression "Tester" in this Act applies to every Corporation, Public Body, or Company, Person or Persons to whom such Licence shall be granted, so long as such Licence continues in force: Provided, that such a Licence shall not be granted in any Case unless and until the Proving Establishment, Apparatus, and Machinery erected have been inspected by an Inspector appointed as by this Act provided, and have been certified by him as proper and efficient for their Purposes.

3. The

CLAUSE A. Appointment of Inspector by Board of Trade.

3. The Board of Trade shall, as soon after the passing of this Act as the Services of an Inspector for the Purposes of this Act appear to them to be required, and afterwards from Time to Time as Vacancies occur, appoint a fit Person to act as Inspector of Proving Establishments, Apparatus, and Machinery under this Act, and may from Time to Time, at pleasure, remove from his Office any Person so appointed; and such Inspector shall, in the Execution of his Duties, conform to any Regulations from Time to Time made by the Board of Trade.

CLAUSE B. Annual Renewal of Licence.

4. Any Licence granted as aforesaid shall be renewable annually, and the same shall not in any Case be renewed in any Year unless and until the Proving Establishment, Apparatus, and Machinery in respect whereof such Licence was granted have been inspected by the Inspector within that Year, and have been certified by him as proper and efficient for their Purposes.

CLAUSE C. Fees on Licences.

5. On the original Grant of every such Licence, and on every annual Renewal of every such Licence, there shall be paid such Fee not exceeding Fifty Pounds as the Board of Trade from Time to Time appoint; all such Fees to be paid to the Board of Trade, and to be by them paid into the Receipt of Her Majesty's Exchequer, and to be carried to and form Part of the Consolidated Fund of the United Kingdom.

CLAUSE D. Remuneration of Inspector.

6. The Inspector shall receive such Salary and Allowances as may from Time to Time be directed by the Board of Trade, with the Consent of the Commissioners of Her Majesty's Treasury, out of Money to be provided by Parliament for the Purpose.

Tester to test all Cables and Anchors in proper Order, and impress the same with authorized Proof Mark.

7. Every Tester shall, with all reasonable Despatch, subject every Chain Cable or Anchor that shall be brought to the Proving Establishment of such Tester for the Purpose of being proved, and (unless the Parties interested may otherwise agree) in the Order in which such Chain Cables and Anchors respectively shall be so brought, to the same Tensile Strain as that to which Chain Cables and Anchors respectively of similar Size, Weight, or Description are or shall be subjected before being received for the Use of Her Majesty's Naval Service, and shall stamp every Five Fathoms in Length of every such Chain Cable, and also every such Anchor, with a Stamp or Die to be provided for that Purpose by the Tester, and approved by the Board of Trade, denoting that such Chain Cable or Anchor has been "proved," and which shall bear the Mark of the Tester.

As to Charges for testing and affixing Proof Mark.

8. Every Tester may make such Charges for the testing and stamping with Proof Mark any Chain Cable or Anchor as such Tester may think fit, not exceeding the Scale of Charges authorized by the Board of Trade; and such Tester shall affix upon some conspicuous Part of the Proving Establishment a Table of the Charges so authorized to be taken by such Tester; and such Table shall be painted upon a Board or Boards in distinct Black Letters on a White Ground or in White Letters upon a Black Ground, or may be printed in legible Characters on Paper affixed to such Board or Boards; and it shall not be lawful for such Tester to make any Alteration in such Table or in any of the Charges therein specified until such Alteration shall have been approved by the Board of Trade, and the Tester shall have caused Notice in Writing of the intended Alteration to be written or printed on Paper, and such Paper shall have been, for a Period of not less than Three Months, affixed to such Table, so that the same shall be clearly legible by all Persons who may consult such Table.

Power for Tester to detain Chain Cable, &c.

9. Any Tester may detain any Chain Cable or Anchor which shall have been so tested until such Charge shall be paid; and if such Charge shall not be paid within Three Months after the testing of such Chain Cable or Anchor, the Tester may cause such Chain Cable or Anchor to be sold by Auction, and shall out of the Purchase Money deduct the Expenses of such Sale, and all other Expenses incurred by such Tester with respect to such Chain Cable or Anchor, including all lawful Charges on the same, and shall pay the Surplus thereof (if any), on Demand, to the Owner of such Chain Cable or Anchor, or to the Captain or Master of the Vessel, or other Person on whose Application the Chain Cable or Anchor had been tested.

Tester, on Application, to give Certificate of Test.

10. When any Tester shall have tested and stamped any Chain Cable or Anchor, such Tester shall, if requested by the Person on whose Application the same was tested, within One Month after such testing, make out and deliver, free of Charge, to such Person a Certificate of such testing.

After 1st July 1865 it shall be unlawful for Makers and Dealers to sell unproved Chain Cables and Anchors.

11. From and after the First Day of July One thousand eight hundred and sixty-five it shall not be lawful for any Maker of or Dealer in Chain Cables or Anchors in the United Kingdom to sell or supply for the Use of any Vessel in any Part of Her Majesty's Dominions any Chain Cable whatever or any Anchor exceeding in Weight Pounds, unless such Chain Cable or Anchor shall have been previously tested and duly stamped in accordance with the Provisions of this Act; and if any Person acts in contravention

of

of this Provision he shall for every such Offence, upon a summary Conviction for the same before a Justice of the Peace, or in Scotland before any Sheriff, Justice, or Magistrate, be liable to a Penalty not exceeding Fifty Pounds.

Persons committing certain Offences to be guilty of a Misdemeanor.

12. If any Person shall stamp or assist in stamping any Chain Cable or Anchor with the Stamp of any Tester, or with a Stamp or Mark purporting to be the Stamp of any Tester, without the Authority of the Tester whose Stamp shall have been so used or counterfeited, or with any other Stamp or Mark, for the Purpose or with the Intention of passing such Chain Cable or Anchor, or of allowing or assisting in the same being passed as a Chain Cable or Anchor duly tested and stamped under the Powers of this Act, or if any Person, knowing any such Chain Cable or Anchor to have been so wrongfully marked or stamped as aforesaid, shall sell the same, or shall deliver the same to any Person to be taken or used as Part of the Equipment of any Vessel, or if any Person shall write out and deliver to any Person any Certificate or Document purporting to be a Certificate under this Act, that any Chain Cable or Anchor has been tested and stamped under the Provisions of this Act, knowing that the Chain Cable or Anchor referred to in such Certificate or Document had not been so tested or stamped, every Person so offending shall be guilty of a Misdemeanor, or in Scotland of an Offence, and for every such Misdemeanor or Offence shall be liable, in the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Act not to relieve Maker of Chain Cables from Responsibility to which liable if Act had not passed.

13. No Maker of, or Dealer in, Chain Cables or Anchors, Shipowner, or other Person, shall by reason of this Act, or of anything done thereunder, be relieved from any Responsibility in respect of any Chain Cable or Anchor made, sold, or used by him to which, but for this Act, he would have been subject.

Act not to affect Admiralty Contracts for Supply of Chain Cables and Anchors.

14. Nothing in this Act shall affect any Contracts which may be made by the Lords Commissioners of the Admiralty for the Supply of any Chain Cables and Anchors to any of Her Majesty's Dockyards or for the Use of any of Her Majesty's Ships.

Clause E. Term of Act.

15. This Act shall continue in force to the First Day of July One thousand eight hundred and sixty-nine, and no longer.

Chain Cables and Anchors.

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B I L L

[AS AMENDED BY THE SELECT COMMITTEE, AND ON FIRST AND SECOND RE-COMMITMENTS]

For regulating the Proving and Sale of Chain Cables and Anchors.

(*Prepared and brought in by Mr. Laird and Sir James Elphinstone.*)

Ordered, by The House of Commons, *to be Printed,* 11 *May* 1864.

[Bill 103.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to further extend the Time for making Enrolments under the Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act to amend the Law relating "to the Conveyance of Lands for Charitable "Uses," and otherwise to amend the said Law.

WHEREAS by an Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, Chapter Nine, Time was given for enrolling certain Deeds, Assurances, and Instruments therein referred to until the Expiration of Twelve Calendar Months next after the passing of the said Act; and by another Act passed in the Twenty-fifth Year of Her present Majesty, Chapter Seventeen, the Time for enrolling such Deeds, Assurances, and Instruments was extended to the Sixteenth Day of May One thousand eight hundred and sixty-four; and by the Fourth Section of the said Second Act it was enacted that the said First Act and the said Second Act should be taken to apply as well to Cases where certain separate Deeds or Instruments therein mentioned should be or should have been executed after as to Cases

Preamble.
24 Vict. c. 9.
25 Vict. c. 17.

Cases where they might have been executed before the passing of the said First Act: Provided only, that if not then already executed such Deed or Instrument should be executed within Six Months next after the passing of the said Second Act: And whereas it is expedient further to extend the Time for making such Enrolment, and otherwise to amend the Provisions of the said First and Second Acts and the Acts therein recited or referred to: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Time for Enrolment of Deeds and Assurances extended to 17th May 1866.

1. The Enrolment of every Deed, Assurance, and Instrument which shall be enrolled before the Seventeenth Day of May One thousand eight hundred and sixty-six shall, for the Purposes of the said recited Acts, or either of them, have the same Force and Effect which it would have had if such Enrolment had taken place within the said Time by the said Acts respectively limited.

Act to apply to separate Deeds or Instruments referred to.

2. This Act shall be taken to apply as well to Cases where such separate Deed or Instrument as is mentioned in the Fourth Section of the said Second Act shall be or shall have been executed after, as to Cases where it may have been executed before the passing of the said First Act; provided only, that if not already executed, it be executed within Six Calendar Months next after the passing of this Act.

Provision where original Deed is lost.

3. And whereas it may be impossible in some Cases to enrol the original Deed creating a Charitable Trust, by reason of the same having been lost or destroyed by Time or Accident, but nevertheless the Trusts of such Charity may sufficiently appear by some subsequent Deed appointing new Trustees or otherwise reciting the Trusts created by the original Deed: Be it enacted, That in every such Case it shall be lawful for any Trustee or other Person interested in such Charitable Trust to apply by Summons in a summary Way to the Court of Chancery for an Order authorizing the Enrolment of such subsequent Deed; and if the Court shall be satisfied, by Affidavit or otherwise, that such original Deed has been lost or destroyed by Time or Accident, but that the Trusts thereof sufficiently appear by such subsequent Deed, then it shall be lawful for the said Court to make an Order authorizing the Enrolment of such subsequent Deed; and the Enrolment thereof shall have the same Force and Effect as the Enrolment of the original Deed would have had if the same had not been lost or destroyed as aforesaid.

4. Every

4. Every full and bonâ fide valuable Consideration within the Meaning of the First Section of the said First Act which shall consist either wholly or partly of a Rent or other annual Payment reserved or made payable to the Vendor or Grantor, or to any other Person, shall for the Purposes of the Statute passed in the Ninth Year of the Reign of His late Majesty King George the Second, Chapter Thirty-six, be as valid and have the same Force and Effect as if such Consideration had been a Sum of Money actually paid at or before the making of such Conveyance without Fraud or Collusion.

Valuable Consideration payable as Rent to be equivalent to a Consideration in Money actually paid within the Statute 9 G. 2. c. 36.

Charitable Assurances Enrolments.

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B I L L

INTITULED

An Act to further extend the Time for making Enrolments under the Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act to amend the Law "relating to the Conveyance of Lands "for Charitable Uses," and otherwise to amend the said Law.

(*Brought from the Lords* 18 *April* 1864.)

Ordered, by The House of Commons, *to be Printed*, 19 *April* 1864.

[Bill 72.]

Under 1 *oz.*

A

B I L L

FOR

Defraying out of Fees a Portion of the Expense of carrying into effect the "Charitable Trusts Act, 1853."

WHEREAS in pursuance of the "Charitable Trusts Act, 1853," Commissioners were appointed under the Style of "The Charity Commissioners for England and Wales," for the Purpose of superintending the Administration of public Charities in England and Wales, and administering their Affairs at an Expense less than that at which the same were administered by the High Court of Chancery: And whereas the said Act provided that the Salaries of the paid Commissioners and of the other Officers of the said Commission, and all other Expenses incidental to carrying into effect the said Act, should be paid out of Monies provided by Parliament: And whereas the Charities of England and Wales have been relieved from a very large Expenditure by the Establishment of the said Commission, and it is reasonable and expedient that the Charities benefited by the said Commission should contribute in some degree to the Payment of its Expenses: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. There

Fees payable in respect of Proceedings before Charity Commissioners.

1. There shall be charged in respect of all Orders made by the Charity Commissioners, and in respect of the other Matters incident to their Jurisdiction specified in the Schedule hereto, the several Fees in the said Schedule in that Behalf mentioned.

The Fees so charged shall be paid by means of Stamps impressed on the Orders of the Charity Commissioners, and on such other Documents relating to the Matters charged as may be determined by the said Commissioners.

The Stamps impressed may be Postage Stamps *or such other Stamps as may from Time to Time be directed by the Commissioners of Inland Revenue.*

The Secretary of the Charity Commissioners shall render to the Commissioners of Inland Revenue, at such Time or Times in each Year and in such Form as the Commissioners of Inland Revenue may direct, an Account of all Fees received by the Charity Commissioners in pursuance of this Act.

An Account of the Amount of Fees received shall be added to the Annual Report of the Charity Commissioners required by the said Act to be laid before both Houses of Parliament.

Power of the Commissioners of the Treasury.

2. In the event of the Fees received by the Charity Commissioners under this Act becoming equal to or greater than the Amount of the Monies provided by Parliament for defraying the Expense of the said Charity Commissioners, the Commissioners of Her Majesty's Treasury shall reduce the Fees charged under this Act to such an Extent as taking an Average of *Three Years* will not more than equalize the Fees charged under this Act with the Monies so provided by Parliament as aforesaid.

Penalty for Nonpayment of Fees.

3. It shall be the Duty of the Charity Commissioners to take care that all Fees charged under this Act are paid by the several Persons liable to pay the same; and if any Trustee of a Charity or other Person liable under this Act to pay any Fee or to affix to a Document a Stamp representing any Fee fails to pay such Fee or affix such Stamp, he shall be punishable in the same Manner as a Person is punishable under the said Act from whom the said Commissioners are authorized to require an Account, and who refuses to render that Account when required so to do.

Short Title.

4. This Act may be cited for all Purposes as "The Charitable Trusts Fees Act, 1864."

SCHE-

SCHEDULE.

Amount of Charge.	£	s.	d.	How to be paid.
On every Order of the Commissioners.				Postage Stamps to be impressed on the Order. The Commissioners will affix the Stamps, which are to be paid for in Cash by the Trustees of the Charity.
On every Certificate of the Commissioners.				Same as Order.
On Balance Sheet of annual Accounts returned by Charity.				To be affixed on some One or more of the Papers on which the Account is written.

Note.—Stamps may at all Times be had on Application to
at the Office of the Charity Commissioners.

Charitable Trusts Fees.

A

BILL

For defraying out of Fees a Portion of the Expense of carrying into effect the "Charitable Trusts Act, 1853."

(*Prepared and brought in by Mr. Hankey, Sir Francis Goldsmid, and Mr. G. Shaw Lefevre.*)

Ordered, by The House of Commons, *to be Printed*, 31 *May* 1864.

[Bill 128.]

Under 1 *oz.*

(Ireland.)

A

B I L L

INTITULED

An Act to facilitate the Redemption of Chief Rents in Ireland.

WHEREAS it is expedient to enable Persons holding Lands or Tenements subject to any Rent to redeem the said Rent: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Any Lands or Tenements held in Fee Farm, or for Lives renewable for ever, or for any Term whereof more than Two hundred Years shall be unexpired, shall, if subject to any Rent during the Continuance of such Estate, be deemed Land within the Provisions of this Act; and any Person entitled in possession to such Lands or Tenements, or to the Rents and Profits thereof, under any Will or Settlement for any Term of Years determinable on the dropping of a Life or Lives, or for any greater Estate (not being a Term of Years less than the Term for which such Lands or Tenements may be held) shall be deemed the Owner of such Lands or Tenements; and any Person entitled under any Will or Settlement to an immediate Estate in the said Rent, or in the Reversion to which the same may be incident, for any Term of Years determinable on the dropping of a Life or Lives, or for any greater Estate, shall be deemed the Owner of such Rent; and every Estate in Land or Rent, other than an unincumbered Explanation of Terms: "Land:" "Owner of Land:" "Owner of Rent."

unincumbered Estate in Fee, shall be deemed a limited Estate, within the Provisions of this Act; and the Words "Lands or Tenements" in this Act shall extend to any divided or undivided Shares thereof respectively; and the Word "Rent" shall extend to any Part or Parts thereof; and the Words "Owner or Person" shall extend to Two or more Persons seised of or entitled to divided or undivided Shares of or Estates in the said Lands and Rents respectively.

Owner of Land and Owner of Rent may agree for Redemption, &c. of such Rent.

2. The Owner of any Land or Tenement subject to any Rent may agree with the Owner of such Rent for the Redemption and Extinguishment thereof on the following Terms; that is to say first, the Price to be paid for such Redemption shall be either a Sum of Money in gross, or a Part of the Lands or Tenements which were subject to the said Rent, or any Lands or Tenements to which the Owner shall be entitled in Fee Simple or Fee Farm, or which shall be subject to the same Limitations as the Lands or Tenements to be discharged from Rent by such Agreement.

Application of Price of Redemption, whether paid in Money or in Land.

3. In case the Owner of such Rent shall have only a limited Estate therein, if the Price agreed to be paid for the Redemption thereof shall be a Sum of Money in gross it shall be paid to the Trustees, for Application in the Manner herein-after mentioned, and if the Price shall be Land it shall be held in lieu of the said Rent, subject to the same Trusts, Limitations, and Charges as the Rent had previously been subject to.

Persons paying Money for Redemption of Rents entitled to Charge on Lands.

Priority of such Charge.

4. If any Person having a limited Estate in Land shall pay Money for the Redemption of any Rent chargeable thereon, he shall be entitled to a Charge on such Land for the Sum so paid, but he shall be bound to keep down the Interest thereof during the Continuance of his Estate in the Land, and such Charge shall have Priority over all Charges and Incumbrances affecting the said Lands, except Quit Rent, Crown Rent, Rentcharge in lieu of Tithes, and Charges imposed on Money borrowed for the Improvement of Land under the Authority of any Act of Parliament: Provided always, that no Charge shall be imposed on any Land under the Authority of this Act which shall exceed One Half of the total Value of such Land.

In Cases of limited Interests, Contract of Redemption to have Sanction of Judge of Landed Estates Court.

5. If either the Owner of the Land or the Owner of the Rent have only a limited Estate therein, the Contract for Redemption shall not be concluded without the Sanction of One of the Judges of the Landed Estates Court, but it shall not be necessary for the Judge to investigate the Title of either Owner, unless requested by such Owner.

6. If

Judge, upon Request of Owner, may examine and certify Title.

6. If the Owner of any Land or Rent shall request the Judge to examine the Title thereto, the Judge shall thereupon investigate such Title, and if it shall be sufficient he shall cause a Certificate of his Approbation thereof to be annexed to the Contract for Redemption, and such Certificate shall have the Effect of giving to the Person taking the Land or Rent under such Contract the same Title thereto as if the same had been conveyed to him by One of the Judges after a Sale thereof in the Landed Estates Court.

Apportioning Rent reserved, where Part only redeemed.

7. Where it is intended to redeem under this Act a Part only of any Rent, it shall be lawful for One of the Judges of the Landed Estates Court to apportion the Rent reserved by the Lease or Grant as between the Part thereof to be redeemed and the Land as to which the same is to be extinguished and the remaining Part or Parts of the said Rent and Land. The Judge shall direct Notice of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as he shall think fit, and shall hear such Parties as shall apply in relation thereto. After such Apportionment, and after the said Part of the said Rent shall have been so redeemed, the Owner of the remaining Part of the said Rent so apportioned shall have the like Remedies for the Recovery thereof against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Grant, except as to the Amount of Rent to be paid, shall, as regards the Part or Parts not redeemed, remain in force, in the same Manner as they would have done if such Redemption had not taken place: Provided always, that the Enactment in this Section shall be deemed to apply to the Redemption of any Parts of the same original Rent to be redeemed at different Times; provided also, that where any such Part of the said Rent so intended to be redeemed shall have been theretofore apportioned or fixed and determined as between the Owners of such Lands or Tenements liable to Payment of the whole Rent, and such Part or Parts shall have been theretofore apportioned as between such Owners themselves, such Apportionment shall be adopted and acted upon to all Intents and Purposes as if the same was made under the Provisions of this Section.

Redemption of Rent by Owner having a limited Estate in Land.

8. If any Owner having a limited Estate in Land shall, under the Provisions of this Act, redeem any Rent payable thereout, by giving in lieu thereof any Land to which he shall be entitled in Fee Simple or Fee Farm, the Judge shall estimate the Value of such Land, and the said Owner shall have such Charge upon the Lands out of which such Rent originally issued as if he had paid such Value in Money.

No Charge to be placed on Land without an Order from the Judge.

9. Before any Charge shall be placed upon Land under this Act, an Order shall be obtained from the Judge to sanction the same, and a Copy of such Order, on Parchment under the Seal of the Court, shall be brought to the Office for Registration of Assurances, and thereupon be registered as a Charge imposed on the said Lands by the Court; and an Office Copy thereof shall be sufficient Evidence of the Existence, Contents, and Validity of such Order.

Office Copy of Order to be Evidence.

Reservations or Exceptions may go with the Rent.

10. Any Reservations or Exceptions contained in the Instrument by which such Rent may have been created or reserved may (with the Sanction and Approval of a Judge of the Landed Estates Court, but not otherwise) be granted or released together with the Rent, if the Owner thereof shall agree thereto, and shall express such Agreement in the Contract by which such Rent shall be redeemed or extinguished.

If Payment to Trustees be necessary, Trustees to be appointed by a Judge of Landed Estates Court.

11. When it shall be necessary to pay the Purchase Money of any Rent to Trustees for Application under this Act, such Trustees shall be appointed by a Judge of the Landed Estates Court, and they shall apply the same, as the Court shall from Time to Time direct, to some One or more of the following Purposes; namely, to the Discharge of any Debt or Incumbrance affecting the Rent in respect of which such Purchase Money shall have been paid, or to the Purchase or Redemption of Quit Rent or Crown Rent, or to the Discharge of any Debt or Incumbrance affecting other Rents or Lands settled to the same or the like Uses, Trusts, or Purposes as the Rent in respect of which such Purchase Money shall have been paid, or to the Purchase of Land, to be held on the same Uses and Trusts and subject to the Charges and Limitations as the Rent which had been redeemed, and until such Purchase can be made the Trustees shall invest the Money in the Public Funds, and shall pay the annual Dividends to such Persons as would be entitled to the said Rent if it had not been redeemed or extinguished.

Extent of Act.

12. This Act shall only extend to Ireland.

Chief Rents (Ireland).

A

BILL

INTITULED

An Act to facilitate the Redemption of Chief Rents in Ireland.

(*Brought from the Lords,* 14 *March* 1864.)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1864.

[Bill 52.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITULED

An Act to facilitate the Redemption of Chief Rents in Ireland.

WHEREAS it is expedient to enable Persons holding Lands or Tenements subject to any Rent to redeem the said Rent: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. Any Lands or Tenements held in Fee Farm, or for Lives renewable for ever, or for any Term whereof more than Two hundred Years shall be unexpired, shall, if subject to any Rent during the Continuance of such Estate, be deemed Land within the Provisions of this Act; and any Person entitled in possession to such Lands or Tenements, or to the Rents and Profits thereof, under any Will or Settlement for any Term of Years determinable on the dropping of a Life or Lives, or for any greater Estate (not being a Term of Years less than the Term for which such Lands or Tenements may be held), shall be deemed the Owner of such Lands or Tenements; and any Person entitled under any Will or Settlement to an immediate Estate in the said Rent, or in the Reversion to which the same may be incident, for any Term of Years determinable on the dropping of a Life or Lives, or for any greater Estate, shall be deemed the Owner of such Rent; and every Estate in Land or Rent, other than an unincumbered Explanation of Terms: "Land:" "Owner of Land:" "Owner of Rent."

unincumbered Estate in Fee, shall be deemed a limited Estate, within the Provisions of this Act; and the Words "Lands or Tenements" in this Act shall extend to any divided or undivided Shares thereof respectively; and the Word "Rent" shall extend to any Part or Parts thereof; and the Words "Owner or Person" shall extend to Two or more Persons seised of or entitled to divided or undivided Shares of or Estates in the said Lands and Rents respectively, and shall also include any Corporate Bodies, Aggregate or Sole.

Owner of Land and Owner of Rent may agree for Redemption, &c. of such Rent.

2. The Owner of any Land or Tenement subject to any Rent may agree with the Owner of such Rent for the Redemption and Extinguishment thereof on the following Terms; that is to say, first, the Price to be paid for such Redemption shall be either a Sum of Money in gross, or a Part of the Lands or Tenements which were subject to the said Rent, or any Lands or Tenements to which the Owner shall be entitled in Fee Simple or Fee Farm, or which shall be subject to the same Limitations as the Lands or Tenements to be discharged from Rent by such Agreement.

Application of Price of Redemption, whether paid in Money or in Land.

3. In case the Owner of such Rent shall have only a limited Estate therein, if the Price agreed to be paid for the Redemption thereof shall be a Sum of Money in gross it shall be paid to the Trustees appointed by the Deed or Instrument whereby the Estate or Interest of such Owner of Rent shall be limited, to be appointed, when necessary, by the Landed Estates Court, as herein-after mentioned, for Application in the Manner herein-after mentioned, and if the Price shall be Land it shall be held by such Trustees in lieu of the said Rent, subject to the same Trusts, Limitations, and Charges as the Rent had previously been subject to.

In Cases of limited Interests, Contract of Redemption to have Sanction of Judge of Landed Estates Court.

4. If the Owner of the Rent have only a limited Estate therein, the Contract for Redemption shall not be concluded without the Sanction of One of the Judges of the Landed Estates Court, after giving Notice to such Persons as he shall think proper; and in case such Contract shall be sanctioned such Deed shall be executed by the Parties as the said Judge shall direct.

Judge, upon Request of Owner, may examine and certify Title.

5. The Judge of the Landed Estates Court shall investigate such Title, and if it shall be sufficient he shall cause a Certificate of his Approbation thereof to be annexed to the Contract for Redemption; and such Certificate shall have the Effect of giving to the Person taking the Land or Rent under such Contract the same Title thereto as if the same had been conveyed to him by One of the Judges after a Sale thereof in the Landed Estates Court.

6. Every

Deeds effecting Contracts for Redemption to be chargeable with ad valorem Stamp Duty as upon a Conveyance on Sale.

6. Every Deed executed by the Direction of the Judge, and every Certificate annexed to the Contract for Redemption, as aforesaid, which respectively shall have the Force or Operation of a Conveyance of any Rentcharge under this Act, shall be chargeable with ad valorem Stamp Duty as upon a Conveyance on Sale; that is to say, where the Consideration for such Redemption shall be a Sum of Money in gross the said ad valorem Stamp Duty shall be chargeable in respect of such Sum of Money as the Purchase or Consideration Money; and where the Consideration for such Redemption shall be Lands or Tenements, then the said Deed or Certificate shall be chargeable with the ad valorem Stamp Duty which would be chargeable on a Conveyance of such Lands or Tenements on the Sale thereof in consideration of the Rent contracted to be redeemed.

Apportioning Rent reserved, where Part only redeemed.

7. Where it is intended to redeem under this Act a Part only of any Rent, it shall be lawful for One of the Judges of the Landed Estates Court to apportion the Rent reserved by the Lease or Grant as between the Part thereof to be redeemed and the Land as to which the same is to be extinguished and the remaining Part or Parts of the said Rent and Land. The Judge shall direct Notice of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as he shall think fit, and shall hear such Parties as shall apply in relation thereto. After such Apportionment, and after the said Part of the said Rent shall have been so redeemed, the Owner of the remaining Part of the said Rent so apportioned shall have the like Remedies for the Recovery thereof against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Grant, except as to the Amount of Rent to be paid, shall, as regards the Part or Parts not redeemed, remain in force, in the same Manner as they would have done if such Redemption had not taken place: Provided always, that the Enactment in this Section shall be deemed to apply to the Redemption of any Parts of the same original Rent to be redeemed at different Times; provided also, that where any such Part of the said Rent so intended to be redeemed shall have been theretofore apportioned or fixed and determined as between the Owners of such Lands or Tenements liable to Payment of the whole Rent, and such Part or Parts shall have been theretofore apportioned as between such Owners themselves, such Apportionment shall be adopted and acted upon to all Intents and Purposes as if the same was made under the Provisions of this Section.

Reservations or Exceptions may go with the Rent.

8. Any Reservations or Exceptions, or any Returns, Services, or Duties, secured by or contained in the Instrument by which such Rent may have been created or reserved, may (with the Sanction and Approval of a Judge of the Landed Estates Court, but not otherwise,) be granted or released together with the Rent, if the Parties interested therein shall agree thereto, and shall express such Agreement in the Contract by which such Rent shall be redeemed or extinguished.

If Payment to Trustees be necessary, Trustees to be appointed by a Judge of Landed Estates Court.

9. When it shall be necessary to pay the Purchase Money of any Rent to Trustees for Application under this Act, and if such Trustee shall not already exist or have been created by Deed or Will or other Instrument, such Trustees shall be appointed by a Judge of the Landed Estates Court, and all such Trustees shall apply the same on the same Uses and Trusts and hold the same subject to the Charges and Limitations as the Rent which had been redeemed; and until such Purchase can be made the Trustees shall invest the Money in the Public Funds, and shall pay the annual Dividends to such Persons as would be entitled to the said Rent if it had not been redeemed or extinguished.

Extent of Act.

10. This Act shall only extend to Ireland.

Chief Rents (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

INTITULED

An Act to facilitate the Redemption of Chief Rents in Ireland.

(*Brought from the Lords,* 14 *March* 1864.)

Ordered, by The House of Commons, *to be Printed,* 26 *May* 1864.

[Bill 117.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend and extend the Act for the Regulation of Chimney Sweepers.

WHEREAS by the Act of the Session of the Third and Fourth Years of Her Majesty Queen Victoria (Chapter Eighty-five), "for the Regulation of Chimney Sweepers and Chimneys," Provision was made to prevent any Person compelling or knowingly allowing a Child or young Person under the Age of Twenty-one Years to ascend or descend a Chimney or enter a Flue for the Purpose of sweeping, cleaning, or coring the same, or for extinguishing Fire therein : Preamble. 3 & 4 Vict. c. 85.

And whereas it is expedient to amend in some Particulars and to extend the said Act (hereafter in this Act called the Principal Act) :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

General.

1. This Act may be cited as "The Chimney Sweepers Regulation Act, 1864;" the Principal Act may be cited as "The Chimney Sweepers and Chimneys Regulation Act, 1840;" and the Principal Act and this Act may be cited together as "The Chimney Sweepers and Chimneys Regulation Acts, 1840 and 1864." Short Titles.

 2. This

Commencement of Act.

2. This Act shall commence and take effect on the First Day of November One thousand eight hundred and sixty-four.

Interpretation of Terms.

3. In this Act—
The Term "Sheriff" includes Stewart:
The Term "Chimney Sweeper" means a Person using the Trade or Business of a Chimney Sweeper.

Construction with Principal Act.

4. This Act shall be construed together with the Principal Act as One Act, and for this Purpose the Expression "this Act" when used in the Principal Act shall be taken to include the present Act.

Application of Penalties.

5. Any pecuniary Penalty recovered under this Act shall be applied as directed in the Principal Act.

Protection of Children and young Persons.

Restriction on Employment of Children under Ten.

6. It shall not be lawful for a Chimney Sweeper to employ a Child under the Age of Ten Years to do or assist in doing any Work or Thing in or about the Trade or Business of such Chimney Sweeper elsewhere than within the House or Place of Business of such Chimney Sweeper, or the Yard or Buildings (if any) connected therewith.

Chimney Sweeper entering House to sweep Chimney, &c. not to bring with him Person under Sixteen.

7. It shall not be lawful for a Chimney Sweeper, on any Occasion of his entering a House or Building for the Purpose of sweeping, cleaning, or coring a Chimney or Flue therein or belonging thereto, or for extinguishing Fire in any such Chimney or Flue, to cause or knowingly allow a Person under the Age of Sixteen Years in his Employment or under his Control to enter before, with, or after him into any Part of such House or Building, or to be therein for any Part of the Time during which such Chimney Sweeper himself continues therein for any such Purpose as aforesaid.

Penalties for these Offences.

8. If any Chimney Sweeper acts in contravention of either of the foregoing Enactments, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Power to Justices to impose Imprisonment.

9. Where under Section Two of the Principal Act a Chimney Sweeper is convicted of the Offence of compelling or knowingly allowing a Person under the Age of Twenty-one Years to ascend or descend a Chimney or enter a Flue for any Purpose in that Section mentioned, the Justices or Sheriff before whom he is convicted may, in lieu of the Imposition of any such pecuniary Penalty as is

 authorized

authorized by that Section, adjudge the Offender to be imprisoned in the Common Gaol or House of Correction for any Term not exceeding Six Months, with or without Hard Labour.

Burden of Proof of Age to lie on Chimney Sweeper.

10. In any Prosecution of a Chimney Sweeper for any Offence against the Principal Act or against this Act, where the Age of any young Person or Child comes in question, the Proof of the Age of such young Person or Child shall lie on the Defendant.

Abolition of minimum Penalty.

11. Section Two of the Principal Act shall be read as if the Words " or less than Five Pounds " were omitted therefrom.

Chimney Sweepers Regulation.

A

B I L L

INTITULED

An Act to amend and extend the Act for the Regulation of Chimney Sweepers.

(*Brought from the Lords* 13 *June* 1864.)

Ordered, by The House of Commons, *to be Printed* 13 *June* 1864.

[Bill 148.]

Under 1 *oz.*

Church Building and New Parishes Acts Amendment Bill.

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3. *General Provisions as to New Churches.*

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SCHEDULES.

A

B I L L

TO

Consolidate and amend the Church Building and New Parishes Acts.

WHEREAS it is expedient to consolidate and amend the principal Provisions of certain Acts that have been passed for promoting the building of additional Churches in England, and for other Purposes connected therewith; and to consolidate and amend the New Parishes Acts, of 1843, 1844, and 1856: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

PART I.

Preliminary.

1. This Act may be cited as "The Church Building and New Parishes Act, 1864." Short Title of Act.

2. This Act shall come into operation on the *First Day of November One thousand eight hundred and sixty-four.* Commencement of Act.

3. This Act shall extend only to that Part of the United Kingdom called England, and to the Isle of Man. Extent of Act.

 4. From

Repeal of the Church Building and New Parishes Acts.

4. From and after the *Commencement of this Act* the Acts mentioned in the Schedules (A.) and (B.) to this Act shall be repealed to the Extent mentioned in such Schedules, except as to Acts done, Proceedings had, and Rights acquired by virtue thereof before the passing of this Act, but such Repeal shall not be construed in any way to affect or impede the Operation of the Parts of such Acts not repealed, and such Parts shall be construed with their Context, and shall take effect in like Manner as if this Act had not passed.

Interpretation of certain Terms in this Act.

5. In the Construction of this Act the following Words and Expressions shall, if not inconsistent with the Context, have the Meanings hereto assigned to them; that is to say, the Word

"Acre:" "Acre" shall mean Statute Acre:

"Bishop:" "Bishop" shall mean Bishop of the Diocese for the Time being, and shall comprehend Archbishop:

"Body" or "Person:" "Body or Person" shall include any Body Politic, Corporate, or Collegiate, whether aggregate or sole, any public Company, as well as One or more Individuals, their Heirs, Successors, Executors, Administrators, and Assigns:

"Church:" "Church" shall mean and include any consecrated Church or Chapel belonging to the United Church of England and Ireland:

"Churchwarden:" "Churchwarden" shall include "Chapelwardens" or "other Persons discharging Duties of Churchwardens" under this Act:

"Computation of Time:" Where any particular Number of Days is prescribed by this Act for the doing of any Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a Sunday, Christmas Day, Good Friday, Monday, and Tuesday in Easter Week, or a Day appointed for a Public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also:

"Diocese:" "Diocese" shall include all Places to which the Jurisdiction of any Bishop extends under and for the Purposes of the Act of the Session holden in the First and Second Years of the Queen, Chapter One hundred and six:

"District Church:" "District Church" shall mean any Church to which a District has been assigned under the former Church Building Acts or New Parishes Acts, or under this Act:

"Division:" "Division," in the Eighth Part of this Act, shall mean any new Parish formed at any Time out of any other Parish or Parishes, under the former Church Building Acts or New Parishes Acts or this Act:

"Former

"Former Church Building Acts" shall mean and include all or any of the Acts mentioned or described in the Schedule (A.) to this Act: "Former Church Building Acts:"

"Former New Parishes Acts" shall mean and include all or any of the Acts mentioned or described in the Schedule (B.) to this Act: "Former New Parishes Acts:"

The Word "Funds" shall mean and include the Public Stocks or Funds of Great Britain, or Government Securities: "Funds:"

The Word "give" or "grant," when applied to any Gift or Grant of Real or Personal Estate by any Body or Person, shall mean the Execution by such Body or Person of every necessary or suitable Act or Assurance for giving or granting any Land or Property whereof or whereto such Person is seised or entitled in possession, remainder, or contingency either for the whole or any less Estate, as the Case may be, of such Body or Person therein, together with the Performance of all Formalities required by Law to the Validity of such Act or Assurance, including the Acts to be performed by married Women and Tenants in Tail in accordance with the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries, "and the Substitution of more simple Modes of Assurance," and including also Surrenders and other Acts which a Tenant of Customary or Copyhold Lands can himself perform preparatory to or in aid of a complete Assurance of such Customary or Cophold Lands: "Give" or "grant."

"Her Majesty" shall include the Heirs and Successors of Her Majesty: "Her Majesty:"

"Incumbent" shall mean Rector, Vicar, or Perpetual Curate: "Incumbent:"

"Land" shall include Messuages, Tenements, and Hereditaments of any Tenure, and any Part or Share of an Estate or Interest thereof or therein, unless where there are Words to restrict the Meaning to Tenements or Hereditaments of some particular Tenure: "Land:"

"Lease" and "Underlease" shall mean any Instrument in Writing, whether under Seal or not, containing a Contract of Tenancy in respect of any Lands in consideration of a Rent or Return, and shall include a Contract for a Lease or Underlease: "Lease" and "Underlease:"

"New Parish" shall include any distinct and separate Parish formed under the former Church Building Acts or the former New Parishes Acts or this Act; any District Parish formed under the former Church Building Acts; any District which has become a new Parish under the former New Parishes Acts, or shall become a new Parish under this Act; and also any Chapelry, Township or District, endowed or erected into a separate Parish, under the former Church Building Acts or this Act: "New Parish:"

"Offices of the Church:" "Offices of the Church" shall include the Administration of the Sacrament of Baptism, Publication of the Banns of Matrimony, and the Solemnization and Performance of Marriages, Churchings, and Burials:

"Parish:" "Parish" shall include every Place which has exclusive Parochial Rights and Privileges in all Matters Ecclesiastical:

"Parish, District, or Place:" "Parish, District, or Place" shall include any Parish, Ancient or Reputed Chapelry, or Extra-parochial Place, and also any distinct and separate Parish, District Parish, District Chapelry, Consolidated Chapelry, particular District, separate parochial District, with or without a specified Church, and any new Parish, whether formed or constituted under the former Church Building Acts, the former New Parishes Acts, or this Act; and shall also include any Parish, District, or Place, or Part or Parts thereof, united for Ecclesiastical Purposes with any other Parish, District or Place:

"Property:" "Property" shall include every Description of Real and Personal Property, Goods, Money, Debts, and Legacies, and all Deeds and Instruments relating to or evidencing the Title or Right to any Property, or giving a Right to recover or receive any Money or Goods; and such Word "Property" shall also denote and include not only such Real and Personal Property as may have been the original Subject of a Trust, but also any Real or Personal Property into which the same may have been converted or exchanged, and the Proceeds thereof respectively, and anything acquired by such Proceeds:

"Spiritual Person:" "Spiritual Person" shall be taken to include Archbishop, Bishop, Dean, Rector, Vicar Impropriate, Perpetual Curate, Curate, Clerk in Holy Orders, and every Ecclesiastical Corporation, whether Aggregate or Sole:

"The accustomed Fees:" "The accustomed Fees" shall mean and include the accustomed Fees, Dues, Oblations, Offerings, Mortuaries, or other Profits and Emoluments belonging to the Office of Incumbent, or incident to the Cure of Souls within any Parish, District, or Place:

"The Commissioners:" "The Commissioners" shall mean "the Ecclesiastical Commissioners for England":

"The Governors:" "The Governors" shall mean "the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy:"

"Tithes:" "Tithes" shall mean and include all commuted or uncommuted Tithes, Rentcharges in lieu of Tithes, Portions and Parcels of Tithes, and all Moduses, Compositions Real, and prescriptive and customary Payments:

"United

"United Church" shall mean the "United Church of England and Ireland:" "United Church:"

"Vestry" shall mean "Meetings of Persons in any Parish, District, or Place possessing the Powers of Vestry in Ecclesiastical Matters," or in an Extra-parochial Place, or in a District having no Churchwardens, "the Persons who, if the same was a Parish, would be entitled to vote in Vestry in Ecclesiastical Matters:" "Vestry:"

"Will" shall mean and comprehend any Will or Testamentary Paper, including under such Definition the Execution by any such Will, Testament, or Testamentary Paper, of any Appointment in pursuance of any Power. "Will."

PART II.

Building of New Churches.

1. *Churches built and endowed by private Founders or Subscribers.*

Any Body or Person may endow a Church, 1 & 2 W. 4. c. 38. s. 5. 14 & 15 Vict. c. 97. ss. 7. 15. 1 & 2 Vict. c. 107. s. 5.

6. Any Body or Person may, subject to the Restrictions hereinafter contained, build, endow, and acquire in perpetuity the Patronage of a Church in any Parish, District, or Place.

With Consent of Bishop, Commissioners may, subject to Notices to the Patrons and Incumbent, declare perpetual Right of Patronage to be in the Body or Person building and endowing a new Church. 1 & 2 W. 4. c. 38. s. 5. 1 & 2 Vict. c. 107. s. 5. 14 & 15. Vict. c. 97. ss. 7. 15.

7. If any Body or Person, either with the Sanction of the Commissioners or to their Satisfaction, shall have endowed or shall endow any Church or any Building intended to be consecrated as a Church (which Building is herein-after included in the Word Church), already or hereafter to be built, purchased, or otherwise acquired by such Body or Person, and shall provide a competent Fund for the Repairs of such Church, the Commissioners may, with the Consent of the Bishop, signify in Writing their Intention of declaring that the Right of nominating a Minister to such Church or to such Building, after the Consecration thereof, shall be for ever in the Body or Person so having built, purchased, or acquired the same, or in such Nominees or Trustees as is herein-after provided.

Nature of Application to the Commissioners.

8. Application in Writing shall be made by any Body or Person having built, purchased, or acquired, or proposing to build, purchase, or acquire, such Church, either for themselves or their Nominees, or, in case of a Church built, purchased, or acquired, or proposed to be built, purchased, or acquired, by Subscription, by the major Part in Value of the Subscribers thereto of not less than *Fifty Pounds* each, or by some Person authorized on his or their Behalf respectively, to the Commissioners, setting forth the estimated Amount of the Population

14 & 15 Vict. c. 97. ss. 11. 29.

lation of the Parish, District, or Place in which such Church is or is proposed to be built, the estimated Amount of Accommodation provided in the several consecrated Churches within such Parish, District, or Place, and the estimated Amount of the Population of the District (if any District be proposed) for which such Church is intended to provide, and the Accommodation provided or proposed to be provided in such Church, and its Distance from the consecrated Churches in such Parish, District, or Place.

Copies of Application to be sent by the Commissioners to Patron and Incumbent.

14 & 15 Vict. c. 97. ss. 11. 29.

9. Copies of such Application, or Notices containing the like Information, shall in every such Case be sent by the Commissioners to the Patron and Incumbent respectively of such Parish, District, or Place, or of any Parish, District, or Place out of which any Part of the District, if any, proposed to be assigned for such Church is to be taken, in order to afford such Patrons and Incumbents respectively the Opportunity of laying before the Commissioners, for their Consideration, any Statement of Objections or other Observations relating thereto; and such Copies or Notices may be served personally on or directed and sent by Post to such Parties respectively.

Time allowed to Patron and Incumbent to give Consent.

14 & 15 Vict. c. 97. ss. 11. 29.

10. The Commissioners shall not declare, or signify their Intention of declaring, such Right of Nomination until the Expiration of *Three* Months next after such Copies or Notices have been so sent, unless in the meantime such Patron and Incumbent, or, as the Case may require, each such Patron and Incumbent consent thereto.

District proposed may be varied.

14 & 15 Vict. c. 97. ss. 11. 29.

11. The District, if any, proposed in such Application to be assigned to such Church may be subsequently varied, with the Consent of such Patron and Incumbent, or each such Patron and Incumbent, at any Time before the Consecration of such Church or Assignment of such District, without any fresh Copies of Application or Notices being required to be served on or sent to such Parties respectively.

Certain Notices may be served on Patron alone if there be no Incumbent.

1 & 2 Vict. c. 107. s. 2.

12. Where such Notices are required to be sent to or served upon the Patron or Incumbent, a Notice to the Patron shall be sufficient in those Cases where, at the Time such Notices are required to be sent or served, there shall be no Incumbent of the Parish, District, or Place in which such Church is built or proposed to be built and endowed, and such Parish, District, or Place shall have remained without an Incumbent for the Space of *Twelve* Months.

How Notices shall be sent when Patrons are numerous.

13. If the Patronage of any such Parish, District, or Place be vested in and exercised by the Inhabitants generally of such Parish, District, or Place, or by any Body or Class of Persons exceeding Five in Number, it shall be sufficient to deliver or send such

such Copies of Applications or Notices to the Churchwardens of such Parish, District, or Place, and to Two or more of such Patrons, and such Two Patrons shall for the Purposes of this Act be the Patrons of such Parish, District, or Place. 14 & 15 Vict. c. 97. s. 12.

If no Incumbent in an Extra-parochial Place, Notice to Bishop sufficient. 3 & 4 Vict. c. 60. s. 16.

14. If such Church has been or is proposed to be built and endowed in any Extra-parochial Place where there is no Incumbent it shall be sufficient to deliver such Copies of Application or Notices to the Bishop alone.

Preference to be given to Patron binding himself to build and endow to the Satisfaction of the Commissioners and Bishop. 1 & 2 W. 4. c. 38. s. 7. 14 & 15 Vict. c. 97. ss. 7. 15. 19.

15. If any Body or Person who may be the Patron of the Parish, District, or Place in which it is proposed to build, purchase, or acquire such Church shall, within *Two* Months after such Notice shall have been served or sent as herein-before mentioned, bind himself by a sufficient Security to the Commissioners that he will to the Satisfaction of the Bishop, within *Two* Years thereafter, build or purchase, and finish and endow, an additional Church in such Parish, District, or Place, and provide a competent Fund for the Repairs of such Church, then such Body or Person shall be preferred to any other Body or Person so intending to build, purchase, or acquire such additional Church.

Endowments to be vested in Commissioners or Trustees. 14 & 15 Vict. c. 97. s. 8.

16. The Endowments provided for any Church, the Patronage whereof is vested under this Act in the Body or Person building, purchasing, or acquiring and endowing the same, or in their Nominees, or for the Repair Fund thereof, whether a particular District is assigned to such Church or not, may be vested in the Commissioners, or in such Trustees, not exceeding *Five*, as the Commissioners direct.

Nature of Endowment. 3 & 4 Vict. c. 60. ss. 2. 15. 14 & 15 Vict. c. 97. s. 8.

17. Such Endowment, either for the Church or for the Repair Fund, shall be of a permanent Character, consisting of all or any of the following Descriptions of Property, namely, Land, Tithes, Rent-charges, and other Tenements or Hereditaments, Money charged on Land or invested in the Public Stocks or Funds of Great Britain, or upon Government Securities, or of Money to be laid out in Lands or other Hereditaments; and such Endowment and Repair Fund shall be exclusive of and in addition to the Pew Rents (if any) of such Church, and shall be valid notwithstanding the Statutes of Mortmain.

Additional Endowments may be made. 3 & 4 Vict. c. 60. s. 17.

18. An additional permanent Endowment of a like Character may at any Time be made, either for such Church or for the Repair Fund, whether a District shall have been assigned to such Church or not.

Commissioners may declare

19. Trusts may be declared as the Commissioners may think fit in repect of such Endowment and Repair Fund, and for the Sale or

Trusts of Endowment and Repair Fund. 14 & 15 Vict. c. 97. s. 8.

Conversion thereof, and Re-investment of the Produce either in Land or in Government Securities, with Powers of granting Building or other Leases, and all other Powers for the due Administration of such Endowment and Repair Fund, and Powers for the Appointment of new Trustees.

Nomination may be vested in the Body or Person building or endowing. 1 & 2 W. 4. c. 38 s. 19. 3 & 4 Vict. c. 60. s. 9. 14 & 15 Vict. c. 97. s. 9.

20. After the Church so built, purchased, or acquired has been finished and fitted up for the Performance of Divine Service, and endowed, the Commissioners may, by an Instrument under their Common Seal, the Bishop being a consenting Party thereto, declare the Right of perpetual Nomination to such Church to be vested in the Body or Person so having built, purchased, or acquired and endowed the same, or in their or his Nominee, or such Trustees to be named in such Instrument as may be signified, by or on behalf of such Body or Person, to the Commissioners before the Execution of such Instrument by the Commissioners.

Where Nomination is to be in Trustees to be named by Subscribers. 3 & 4 Vict. c. 60. s. 11. 14 & 15 Vict. c. 97. s. 9.

21. Where such Church has been built, or purchased, and endowed by Subscription, then such Right of perpetual Nomination may be vested in such Body or Person, or such Trustees to be named in such Instrument, as the major Part in Value of the Subscribers of not less than *Fifty Pounds* each may signify to the Commissioners.

After Execution of such Instrument, and Consecration, Right of Patronage may be exercised. 1 & 2 W. 4. c. 38 s. 9. 14 & 15 Vict. c. 97. s. 13.

22. After the due Execution of such Instrument, and the Consecration of such Church, such Right of Nomination may be exercised by the Body or Person in whom the same may be vested, without requiring the Consent of either the Patron or the Incumbent of the Parish, District, or Place in which such Church is situate, notwithstanding that Compensation has not been made to them, or that any Local Act of Parliament may have specially reserved such Right of Nomination, and such Body or Person shall be the Patron of such Church by the Name and Style specified in the Sentence of Consecration; and such Right of Nomination shall be of the Nature of Real Property.

How Right of Nomination may be exercised when vested in more than Two Persons. 1 & 2 W. 4. c. 38. s. 9. 14 & 15 Vict. c. 97. s. 13.

23. Such Right of Nomination, when vested in more than *Two* Persons, shall in every such Case be exercised by the Majority, unless otherwise particularly specified and agreed upon; but such Right of Nomination shall not at any Time be vested in or held in trust by more than *Five* Persons, except where such Patronage passes by Descent to Coparceners, or by the Custom of Gavelkind to more than *Five* Persons.

Trustees not to exceed Five in Number. 14 & 15 Vict. c. 97. s. 10.

Land and Site to vest in Patrons.

24. The Land and Site whereon such Church shall be built, with the Cemetery thereto belonging, if any, shall be specified in the Sentence

Sentence of Consecration, and shall, until the Church becomes the Church of a new Parish, vest in such Patrons by the Name and Style aforesaid.

1 & 2 W. 4. c. 38. s. 9. 19 & 20 Vict. c. 104. s. 10.

25. Every such Instrument of Nomination shall be registered in the Registry of the Diocese, and after it has been so registered for *Three* Years the same shall be admitted in all Courts as conclusive Evidence that every Matter required to be done previous to the Declaration of Such Right of Nomination has been performed.

After Instrument of Nomination has been executed and registered Three Years the Validity thereof not to be questioned. 1 & 2 W. 4. c. 38. s. 19. 1 & 2 Vict. c. 107. s. 11.

26. If any Trustee to whom the Right of Nomination to any such Church is in the first instance granted under such Instrument die, resign, or become incapable of acting, or unwilling to act, or be desirous of retiring from such Trust, the surviving or continuing Trustees, or the Majority of them, shall appoint a new Trustee in the Place of the Trustee so dying, resigning, or becoming incapable, or unwilling to act, unless a different Mode of electing or Power of nominating new Trustees have been agreed upon in the first instance between the Commissioners and the Body or Person building, purchasing, or acquiring, and endowing such Church, or if the same be erected or purchased and endowed by Subscription, between the Commissioners and the major Part in Value of the Subscribers thereto of not less than *Fifty Pounds* each.

New Trustees to be appointed by continuing Trustees or according to Agreement. 3 & 4 Vict. c. 60. ss. 11. 13. 14 & 15 Vict. c. 97. s. 10.

27. Such Agreement shall be signed by such Body or Person, or by the Majority in Value of such Subscribers, and sealed by the Commissioners, and in each such Case such new Trustee shall be appointed in conformity to such Agreement.

Agreement to be sealed by the Commissioners. 14 & 15 Vict. c. 97. s. 10.

28. Every Trustee on his Nomination, and also so often as he exercises or concurs in exercising the Right of Nomination of which he is a Trustee, shall sign a Declaration that he is a Member of the United Church.

Trustees to be Members of the United Church. 14 & 15 Vict. c. 97. s. 10.

29. On the Appointment of a Trustee it shall not be necessary to make any Conveyance of the Right of Nomination to such Church, but such Right of Nomination shall vest in the new Trustee jointly with the surviving or continuing Trustees or Trustee, or solely, as Occasion may require, without such Conveyance.

No Conveyance to the new Trustees necessary. 14 & 15 Vict. c. 97. s. 10.

30. When any Trustee may have died, resigned, or become incapable of acting, or unwilling to act, the surviving or continuing Trustee or Trustees may continue to act, notwithstanding a new Trustee may not have been appointed, unless the contrary shall have been directed in any such Agreement.

Continuing Trustees may act. 14 & 15 Vict. c. 97. s. 10.

When Bishop may appoint Trustees. 14 & 15 Vict. c. 97. s. 10.

31. When the Right of appointing new Trustees is vested in a surviving or continuing Trustee for the Time being who is incapable of acting or unwilling to act, or if there be no surviving or continuing Trustee, the Bishop in each such Case may, under his Hand and Seal, in such Form as he may think fit, appoint any Number of Trustees, not exceeding *Five*.

Form of Appointment of new Trustees.

32. Every Appointment of new Trustees or a new Trustee shall be made by an unstamped Instrument in Writing under the Hand or Seal or Hand and Seal of the Person or Corporation making the same, or of the Bishop (as the Case may be); and the same may be in the Form or to the Effect following:

'I *A.B.* of do by virtue of the Church Building
'and New Parishes Act, 1864, appoint *C.D.* of
'to be a new Trustee of the Right of Nomination to the Church
'of in the Parish of in the Place of
'*E.F.* deceased [*or* resigned, *or* who is become incapable of acting,
'*or* unwilling to act, *or* desirous of retiring from the Trust, *as the*
'*Case may be*].

And every such Appointment shall be primâ facie Evidence in all Courts that the former Trustee therein named was at the Date thereof dead, or had resigned, or had otherwise ceased to be a Trustee entitled to such Right of Nomination.

Churchwardens to be appointed, whether a Particular District be assigned to the Church or not. 1 & 2 W. 4. c. 38. s. 16. 8 & 9 Vict. c. 70. s. 7.

33. *Two* fit and proper Persons shall be appointed to act as Churchwardens for such Church, in the Manner herein-after provided, until such Church shall become the Church of a new Parish, or of a District Chapelry, after which Time (if the same shall happen) Churchwardens shall be appointed thereto in the same Manner as for other Parishes and District Chapelries respectively, and the Persons so appointed Churchwardens, together with the Minister, shall have the Disposal of the Monies collected at the Offertory of such Church.

Time of Appointment of Churchwardens. 1 & 2 W. 4 c. 38. s. 16.

34. The First Appointment of such Persons shall take place within *Two Months* after the Consecration of such Church, and the next Appointment of such Officers shall take place at the usual Period of appointing Parish Officers in every Year, and they shall be chosen, One by the Minister of the Church for the Time being and the other by the Renters of Pews in such Church, if any, or otherwise by the Body or Person or by the Majority of the Persons (if more than One) having the Patronage of such Church.

Duties of Churchwardens. Collection

35. Such Persons, when so elected Churchwardens, shall appear and be admitted and be sworn according to Law, and in addition to the general Duties herein-after provided for Churchwardens, shall collect,

collect, receive, and appropriate the Rents (if any) of the Pews and Seats, and pay over the Residue thereof which shall remain after paying the Salaries, if any, which may have been fixed by the Commissioners, and other Expenses incident to the Performance of Divine Service, to such Minister for his own Use, by way of Stipend, in addition to the Rents and Profits, or yearly Interest and Dividends, which shall arise from the Endowment belonging to such Church; and every Person so to be appointed and chosen Churchwarden shall continue in his said Office until another shall be appointed and admitted in like Manner in his Stead.

and Application of Pew Rents, &c. 1 & 2 W. 4. c. 38. s. 16. 8 & 9 Vict. c. 70. s. 7.

36. The Commissioners, if they think fit, may order that such Church shall be subject to the Provisions herein-after contained in Part XII. of this Act, relative to the Apportionment of Accommodation in Pews, Seats, and Free Seats, and to Pew Rents in Churches, for which the Commissioners shall fix a Scale of Pew Rents, or, if they think fit, may order that the Pews or Seats in such Church may be let by the Churchwardens, or by some Person appointed in that Behalf by the Body or Person having the Patronage of such Church, according to a Scale of Pew Rents fixed by such Body or Person, and approved by the Bishop, which Scale it shall be lawful for such Body or Person, with Consent of the Bishop, to alter from Time to Time: Provided, that in case at any Time such Church shall be made a District Church the same shall thenceforth become and be subject to the Provisions herein-after contained in Part XII. of this Act relative to the Matters aforesaid.

Regulations as to letting of Pews and Appropriation of Pew Rents. 1 & 2 W. 4. c. 38. ss. 4. 22.

2. *Chapels of Ease.*

37. Nothing in this Act shall prevent the Erection or Consecration of any Parochial Chapel of Ease (not being a Church erected under the Provisions of any of the former Church Building Acts), in the same Manner and by the same Authority as would have been lawful if this Act had not passed.

Erection of Parochial Chapels of Ease.

38. If the Commissioners shall, under the Powers herein-after contained, authorize a Scale of Pew Rents to be taken for the Pews or Seats in any Portion of any Chapel of Ease to which a District shall not have been assigned, it shall be lawful for the Incumbent of the Parish to which such Chapel of Ease may belong to provide for the Services of such Chapel, by himself and his Curates, in the same Manner as if such Scale of Pew Rents had not been authorized: Provided always, that such Incumbent shall nominate One Curate to be licensed by the Bishop as and for the Curate (or, if he shall think fit to employ the Services of more than One Curate therein,

Nomination of Curates to Chapels of Ease.

therein, as and for the senior Curate,) of such Chapel of Ease; and the Curate so nominated shall, in the Absence of the Incumbent be deemed to be the Officiating Minister of such Chapel; but every Curate so nominated shall hold his Office by the same Title and Tenure only, and shall be subject to the same Control and Authority of the Incumbent of the Parish, both with respect to the Services of such Chapel and to the Discharge of Pastoral Duties in the Parish generally, and otherwise in all respects as any other Stipendiary Curate duly appointed by such Incumbent and licensed by the Bishop.

Application of Pew Rents by the Commissioners.

39. The Commissioners, out of the Proceeds of any Pew Rents authorized by them to be taken in any such Chapel of Ease, may assign such Stipend as they, with the Concurrence of the Bishop, shall think fit, for the Curate to be so nominated and licensed; and the Commissioners may direct that the Residue of the Proceeds of such Rents shall be applied in paying a proper Salary to a Clerk to be appointed and to be removable by the Incumbent of the Parish, and in providing for the annual Expenses of and incident to the Service of such Chapel, and for the Repairs thereof; and subject thereto, if there shall remain any Surplus of such Pew Rents, and if it shall appear to the Commissioners and to the Bishop that it is expedient, such Surplus may be applied in augmentation of the Income and Emolument of the Incumbent of the Parish.

Appointment of Churchdens to Chapels of Ease.

40. Churchwardens shall be appointed for every Chapel of Ease in which a Scale of Pew Rents shall be so authorized as aforesaid, in the same Manner and for the same Purposes in all respects as is herein-before provided with respect to Churches built and endowed by private Founders and Subscribers, to which no District shall have been assigned.

Chapels or Churches in certain Cases declared to be Chapels of Ease.

41. Every Chapel or Church without a District, in which Pew Rents may now lawfully be taken under any Order of the Commissioners heretofore made, and which is, or but for the Order authorizing such Pew Rents would have been, a Chapel of Ease to the Mother Church of the Parish in which the same is situate, and which is served by a Spiritual Person nominated by the Incumbent of such Parish, may, upon the Request of such Incumbent, and by the Order of the Bishop under his Hand and Seal, be declared to be, and the same shall thereupon be and become, subject in all respects to the Provisions of this Act as to Chapels of Ease in which a Scale of Pew Rents has been authorized by the Commissioners; and any Order authorizing such Pew Rents or the Application

cation thereof shall thenceforth have the same Effect as if the same had been made by the Commissioners under this Act: Provided always, that no such Order shall be made so as to affect or prejudice in any respect the Right or Title of any Spiritual Person who may then be lawfully serving or officiating, or entitled to serve or officiate, in such Chapel of Ease, unless such Person shall, by Writing under his Hand, signify his Consent thereto.

Pew Rents to be subject to Power of Commissioners if Chapels of Ease are made District Churches.

42. If any Chapel of Ease in which Pew Rents are authorized to be taken shall at any Time be made a District Church, the same shall thenceforth be subject to the Provisions herein-after contained in Part XII. of this Act relative to the Apportionment of Accommodation in Pews, Seats, and Free Seats, and to Pew Rents in Churches for which the Commissioners shall fix a Scale of Pew Rents.

3. *General Provisions as to new Churches.*

Churches built out of Money granted by the Commissioners to which Districts are not assigned. 58 G. 3. c 45.. s. 21. 59 G. 3. c. 134. s. 7.

43. The Commissioners may build or aid the building of any additional Church in any Parish, District, or Place, without determining whether such Parish, District, or Place, shall be divided or not into separate and distinct Parishes or Districts for Ecclesiastical Purposes under this Act, or whether any such Building shall after the Consecration thereof be deemed a Church or Chapel, or whether the same shall be appropriated to the Accommodation of the Parish at large in which the same is built, or to any particular District or Division thereof.

Agreements before a Church is built or consecrated. 59 G. 3. c. 134. s. 13. 1 & 2 Vict. c. 107. s. 15. 8 & 9 Vict. c. 70. s. 23. 11 & 12 Vict. c. 37. s. 4.

44. Any Agreement in Writing already made or which may be hereafter made between any Bishop, Patron, and Incumbent, purporting to be an Agreement made between such Parties with respect to any new Church before or during the building, or previous to the Consecration thereof, that the Right of Presentation thereto shall, on Consecration, be vested either in perpetuity or otherwise in any Body or Person, shall be valid and effectual for the Purpose of vesting such Patronage according to such Agreement.

PART III.

Formation of Districts.

1. *Particular Districts and District Chapelries.*

How a Particular District may be formed for an endowed

45. The Commissioners shall, except where from special Circumstances they may deem it not advisable, proceed with all convenient Speed to assign a Particular District to every Church the

Church, and become a District Chapelry. 1 & 2 W. 4. c. 38. s. 10. 14 & 15 Vict. c. 97. ss. 11. 29.

Patronage whereof is vested in perpetuity or for the Time being under this Act in the Body or Person building, purchasing, or acquiring and endowing the same, or in the Nominees of such Body or Person, and such District, on the Assignment thereof, shall thenceforth become and be a District Chapelry.

Particular Districts how formed. Consents requisite. 1 & 2 W. 4. c. 38. s. 10.

46. Such Particular District or any Part thereof may be taken out of any Parish, District, or Place, and may be assigned to such Church by the Commissioners under their Common Seal, with the Consent of the Bishop, and the Boundaries thereof may in like Manner from Time to Time be altered by the Addition of any Parts or Part of any Parish, District, or Place, or otherwise.

Boundaries of a District may be altered, subject to certain Notices to Patron and Incumbent. 11 & 12 Vict. c. 37. s. 2.

47. The Commissioners shall cause a Description of the Boundaries of the District so assigned by them to such Church, and every Alteration thereof, to be registered in the Registry of the Diocese, and all such Alterations of Boundaries shall be valid for the Purpose of substituting such altered Boundaries in lieu of the former Boundaries of such Particular District.

A Copy of the proposed Alteration to be forwarded to Patron and Incumbent One Month before such Alterations are carried out. 1 & 2 W. 4. c. 38. s. 11. 11 & 12 Vict. c. 37. s. 2. 14 & 15 Vict. c. 97. ss. 11. 29.

48. Previously to any Assignment of such District, or any Alteration of the Boundaries thereof, being made, a Draft or Copy of the Instrument by which such Assignment or Alteration is proposed to be effected shall be delivered or sent to the Patron and Incumbent of every Parish, District, or Place to be affected by such Assignment or Alteration, in order that such Patron and Incumbent may have an Opportunity of submitting to the Commissioners any Observation or Objection upon or to the proposed District, or any Alteration of the Boundaries thereof; and the Commissioners shall not assign such District or effect such Alteration until the Expiration of *One Month* after such Draft or Copy has been so delivered or sent, unless every such Patron or Incumbent in the meantime consent to the same.

If Consent of Incumbent be not obtained, Alterations of Boundaries not to be carried out until the then next Avoidance. 11 & 12 Vict. c. 37. s. 2.

49. If the Consent of the Incumbent of any such Parish, District, or Place be not obtained to any such Alteration of Boundaries, such Alteration shall not take effect until after the next Avoidance of the Church of such Incumbent.

A perpetual Rentcharge may be accepted by the Incum-

50. A perpetual Rentcharge issuing out of Lands and Hereditaments may be provided for any Church to which a Particular District is assigned, and may be purchased by the Trustees of any Repair Fund provided for such Church, with and out of the same, or may be accepted in lieu of any Repair Fund, and in either Case may be given to and accepted by the Incumbent of such Church, and held

held by him and his Successors for the Purposes of a Repair Fund; and the Trustees of any such Repair Fund may assign and transfer such Rentcharge to such Incumbent or his Successors.

bent for a RepairFund. 3 & 4 Vict. c. 60. s. 15.

51. The Provisions in this Act as to the Persons to whom Notices are to be sent or to be given previously to the Declaration of the Right of Nomination to the Church to which such Particular District is proposed to be assigned in Cases where Patrons are numerous, or where there has been no Incumbent for *Twelve* Months, or where such Church is proposed to be built in an Extra-parochial Place, shall be applicable to Notices required to be sent before assigning a Particular District, or making any Alteration in the Boundaries thereof.

How Notices to be sent when Patrons numerous, or where there is no Incumbent. 1 & 2 Vict. c. 107. s. 2. 3 & 4 Vict. c. 60. s. 16. 14 & 15 Vict. c. 97. s. 12.

52. A District Chapelry may, also, upon a Representation of the Commissioners, and by an Order of Her Majesty in Council ratifying the same, be formed by assigning, either at the same Time or at separate Times, to any Church then already existing, a District out of any Parish, District, or Place, or any Part or Parts of several Parishes, Districts, or Places, or by erecting an Extra-parochial Place or an ancient or reputed Chapelry into a District Chapelry.

How a District Chapelry may be formed in other Cases. 59 G. 3. c. 134. s. 16. 1 & 2 Vict. c. 107. s. 12. 2 & 3 Vict. c. 49. s. 3. 3 & 4 Vict. c. 60. s. 1. 11 & 12 Vict. c. 37. s. 1. 14 & 15 Vict. c. 97. ss. 16. 29.

53. A Copy of the Draft of every such Representation shall, One Month before it is submitted to the Queen in Council, be delivered or transmitted to the Patron and Incumbent of the Church of every Parish, District, or Place out of which it is recommended that such District Chapelry, or any Part thereof, shall be taken, in order that every such Patron and Incumbent may have an Opportunity of making, either to the Commissioners or to the Bishop, any Observation upon or Objection to the Formation of any such District Chapelry.

Notice to Patron and Incumbent of Formation of District Chapelry.

54. Every Representation of the Commissioners to Her Majesty in Council for the Formation of a District Chapelry shall be made with the Consent of the Bishop under his Hand and Seal.

Consents requisite. 58 G. 3. c. 45. s. 21. 59 G. 3. c. 134. s. 16.

55. Every Order in Council for the Formation of a District Chapelry shall take effect from the Date of such Order.

Orders in Council to take effect from their Date. 1 & 2 Vict. c. 107. s. 12.

56. The Church of every District Chapelry shall be a Perpetual Curacy and Benefice, and the Licence thereto shall operate as Institution to any Benefice.

Church to be a Perpetual Curacy or Benefice. 8 & 9 Vict. c. 70. s. 17.

57. The Incumbent of the Church of a District Chapelry shall have exclusive Cure of Souls therein; and shall have perpetual Succession,

Incumbent to have exclusive Cure of Souls.

Capacity to hold Land or Property. 8 & 9 Vict. c. 70. s. 17.

Succession, and be a Body Politic and Corporate, and he and his Successors may receive, take, and hold Land, Property, or Endowments.

When Patronage vested in the Incumbent of the original Parish. 59 G. 3. c. 134. s. 16.

58. The Patronage of the Church of every District Chapelry shall belong to the Incumbent for the Time being of the original Parish within which the Church of such District Chapelry is situate, (and whether or not all or any Part thereof formed Part of any District previously formed,) except where such Patronage is at the Time of the Formation of such District Chapelry legally vested or agreed to be vested in any other Body or Person, in which Case the same shall belong or continue to belong to such Body or Person, as if such District Chapelry had not been formed.

When Patronage belongs to the Bishop. 14 & 15 Vict. c. 97. s. 26.

59. When an Extra-parochial Place has been formed into a District Chapelry the Patronage of the Church thereof, unless vested or agreed to be vested elsewhere, shall belong to the Bishop.

Governors of Queen Anne's Bounty may augment any Church. 2 & 3 Vict. c. 49. s. 3.

60. The Governors of the Bounty of Queen Anne may augment any Church, either before or after a District Chapelry has been formed or assigned thereto, on the same Terms, Conditions, and Regulations as are or may be in force in other Cases concerning such Augmentation.

Such Church so augmented shall be subject to the Provisions relating to District Chapelries. 2 & 3 Vict. c. 49. s. 4.

61. Such Church so augmented, and to which a District Chapelry shall have been assigned, shall be subject to the Provisions herein contained relating to District Chapelries.

Commissioners and Bishop to determine what Offices are to be performed. 59 G. 3. c. 134. s. 16. 7 & 8 Vict. c. 56. s. 4. 14 & 15 Vict. c. 97. s. 17. 19 & 20 Vict. c. 104. s. 11.

62. The Commissioners, with the Consent of the Bishop, may determine whether all or any of the Offices of the Church shall be performed in the Church of a District Chapelry, and may from Time to Time, with the like Consent, upon the Application of the Incumbent of the District Chapelry by Order under their Common Seal, direct that all or any of the Offices of the Church, not included in the first or any subsequent Order, shall be thereafter performed in such Church.

Who are to determine the Amount of Fees. 59 G. 3. s. 134. ss. 16, 17. 7 & 8 Vict. c. 56. s. 4. 14 & 15 Vict. c. 97. s. 17.

63. The Commissioners, with the Consent of the Bishop, shall from Time to Time as the Offices of the Church are directed to be performed determine whether any and what Part or Proportion of the accustomed Fees for the Performance of such Offices or any of them shall be assigned to the Incumbent of such District Chapelry; and all such Fees not so assigned, together with the other accustomed Fees, shall belong to the Incumbent of the Church of the original Parish,

Parish, District, or Place within which the Church of such District Chapelry is situate; and such Order shall be registered in the Registry of the Diocese.

Compensation to the Incumbent of the Mother Church for the Loss of Fees. 14 & 15 Vict. c. 97. s. 2. 19 & 20 Vict. c. 104. s. 13.

64. Whenever the Fees or any Part thereof arising from the Performance of the Offices of the Church, or of any such Offices, in any District Chapelry formed under the former Church Building Acts or this Act, belong to the Incumbent of any Parish, District, or Place out of which such District Chapelry was wholly or in part formed, the Commissioners may assign to the then existing Incumbent of such Parish, District, or Place such an annual Sum, out of any Monies hereafter placed at their Disposal for that Purpose, as may appear to them a just Compensation for the Loss which any such existing Incumbent may sustain by reason of the Transfer of any of the accustomed Fees, under the Provisions herein contained, to the Incumbent of the District Chapelry.

Reserved Fees to belong to the Incumbent of the Mother Church until he be compensated, relinquish, or until his Avoidance, and then to belong to the Incumbent of the District Chapelry. 14 & 15 Vict. c. 97. s. 5. 19 & 20 Vict. c. 104. s. 12.

65. The accustomed Fees belonging to the Incumbent of any original Parish, District, or Place, arising within such District Chapelry, shall belong to the Incumbent of such District Chapelry, either when such Compensation has been awarded by the Commissioners and has been certified by them (which Certificate shall be registered in the Registry of the Diocese), or when the Incumbent of the original Parish, District, or Place has relinquished by Writing under his Hand, which Writing shall be registered in the Registry of the Diocese, the Fees belonging to him in respect of the Offices of the Church, or upon the Avoidance of any such original Parish, District, or Place by any Incumbent to whom such Fees or any Part thereof belong, whichever of such Three Events shall first happen.

2. *Separate Parochial Districts.*

How a separate District for Spiritual Purposes may be formed. 6 & 7 Vict. c. 37. s. 9. 19 & 20 Vict. c. 104. ss. 1. 3.

66. A separate Parochial District, whether there be or be not within its proposed Limits a consecrated Church, may, by a Representation of the Commissioners and by an Order of Her Majesty in Council ratifying the same, be formed either out of, or by uniting Parts of, any Parish, District, or Place, or any Number of Parishes, Districts, or Places, or Parishes, Districts, and Places, or by converting an Extra-parochial Place or District, or an ancient or reputed Chapelry, into a separate Parochial District: Provided always, that in every Scheme for constituting any such District the Commissioners shall recommend to Her Majesty in Council that the Minister of such District, when duly licensed, shall be permanently endowed under the Provisions herein-after contained to an Amount of not less than the annual Value of *One hundred* Pounds, and also, if

such Endowment be of less than the annual Value of *One hundred and fifty* Pounds, that the same shall be increased under the like Provisions to such last-mentioned Amount at the least so soon as such District shall have become a new Parish as herein-after provided, unless it shall appear to the Commissioners and shall be declared in the said Scheme that there is Reason to expect from other Sources an adequate Maintenance of not less annual Amount for the Incumbent, in which Case it shall not be necessary for the Commissioners to provide in the said Scheme for any such permanent Endowment as aforesaid. Such separate Parochial District may be formed notwithstanding any Local Act.

District to be named and Church specified. 19 & 20 Vict. c. 104. s. 2. 19 & 20 Vict. c. 104. s. 30.

67. The Commissioners shall, in their Representation to Her Majesty in Council, fix and declare a Name for such separate Parochial District, and may, if they think fit, specify some existing Church, if any, in the District, as the Parish Church of the District; provided that Notice thereof be given by the Commissioners to the Patron and Incumbent of such existing Church.

Consents requisite. 6 & 7 Vict. c. 37. s. 9.

68. Every Representation of the Commissioners to Her Majesty in Council for the Formation of a separate Parochial District shall be made with the Consent of the Bishop under his Hand and Seal.

Draft of Scheme to be sent to Incumbent and Patron of Parish to be divided. 6 & 7 Vict. c. 37. s. 9.

69. The Draft of any Scheme for constituting any separate Parochial District shall be delivered or transmitted to the Incumbent and to the Patron of the Church of any Parish, District, or Place out of which it is recommended that such District or any Part thereof should be taken, or the Conversion of which into such separate Parochial District is recommended, in order that such Incumbent or Patron may have an Opportunity of making to the Commissioners or to the Bishop any Observation or Objection upon or to the constituting of such District.

When Scheme shall be laid before the Queen. 6 & 7 Vict. c. 37. s. 9.

70. Such Scheme shall not be laid before Her Majesty in Council until after the Expiration of *One Calendar Month* next after such Draft shall have been so delivered or transmitted, and such Notice, if any, given, unless in the meantime such Incumbents and Patrons shall consent to such Scheme.

If no Church specified, Minister may be licensed to the District. 6 & 7 Vict. c. 37. s. 11.

71. If the Commissioners do not specify any existing Church as the Church of such separate Parochial District, a Minister may be nominated to such District, and may be licensed thereto by the Bishop; and such Minister shall perform within such District, independently

pendently of the Incumbent or Minister of the Church of any Parish, District, or Place out of which such separate Parochial District or any Part thereof shall have been taken, all such Pastoral Duties appertaining to the Office of a Minister of the United Church as shall be specified in such Licence, and shall, so far as the Performance of the same may be authorized by such Licence, have the Cure of Souls in and over such District. 7 & 8 Vict. c. 94. s. 2.

72. Until a Minister be licensed to the new District, no Parish, District, or Place shall, as to the Pastoral Superintendence of the Inhabitants thereof, or otherwise, be affected by the Formation of such District. Until Minister be licensed, original Parish not affected. 7 & 8 Vict. c. 94. s. 10.

73. Such Minister shall be styled "The Minister of the District of ," according to the Name fixed in the Scheme for the same, and shall be subject to the Jurisdiction of the Bishop and Archdeacon within whose Diocese and Archdeaconry such District shall be situate, and shall only be removable from his Office of such Minister as any Perpetual Curate is now by Law removable; and such Minister shall be a Body Politic and Corporate, and shall have perpetual Succession, as well by such Name and in such Character as by the Name and in the Character herein-after provided, as the Case may be; and such Minister may in such Name and Character respectively, notwithstanding the Statutes of Mortmain, receive and take, to him and his Successors, as well every Grant of Endowment or Augmentation made or granted by the Authority of a Scheme and Order in Council, as also any Land or Property which any Body or Person may give or grant to him according to Law. Minister to have the Status of a Perpetual Curate. 6 & 7 Vict. c. 37. s. 12. Capacity to hold Endowments.

74. The Patronage or Right of Nomination of the Minister of such separate Parochial District shall, unless or until such Patronage or Right of Nomination shall be otherwise wholly assigned, or except so far as the same shall be otherwise in part assigned, under this Act, be exercised, as herein-after mentioned, alternately by the Queen and the Bishop, such Nomination being first exercised by Her Majesty on the Formation of such District. Patronage until Assignment to be in the Crown and Bishop alternately. 6 & 7 Vict. c. 37. ss. 11. 21.

75. The Bishop at any Time after the Formation of such separate Parochial District, in case no existing Church be specified, may license any Building therein for the Performance of Divine Service according to the Use of the United Church. Bishop may license a Building. 6 & 7 Vict. c. 37. s. 13.

76. Upon such Building being so licensed, such Minister shall perform, independently of the Incumbent or Minister of any such original Parish, District, or Place as aforesaid, such Services and Minister to perform Services and Offices of the

Church, and to have Cure of Souls in the District. 6 & 7 Vict. c. 37. s. 11.

Offices of the Church as shall be specified in any Licence granted by the Bishop, and shall also, so far as the Performance of the same may be authorized in any such Licence, have the Cure of Souls in and over such separate District.

Baptisms. 6 & 7 Vict. c. 37. s. 13.

77. All Laws relating to the Registration of Baptisms shall apply to Baptisms performed under any such Licence.

Burials. 6 & 7 Vict. c. 37. s. 11.

78. No Burial Service shall be performed in such licensed Building, and no Marriages shall be solemnized therein.

Until the District has a Church, certain Rights of original Parish not affected. 6 & 7 Vict. c. 37. s. 14.

79. Unless an existing Church shall be specified, or until a Church shall be consecrated as the Church of such separate Parochial District, nothing herein contained shall affect the Right of any Incumbent of any Church who before the Formation of the District possessed the entire Cure of Souls within the same, or any Part thereof, to publish any Banns, solemnize any Marriages, or perform any Burials in his own Church which he could have published, solemnized, or performed therein, or his Right to receive any Fees, Dues, or Emoluments (except the Fees herein-after authorized to be received by the Minister of such District), which as such Incumbent he could have received if such District had not been formed, nor any Right to attend Divine Service in any other Church which any Inhabitant of such District possessed before such District was constituted.

Churchings. 6 & 7 Vict. c. 37. ss. 13. 15.

80. For Churchings performed in such licensed Building, the Minister thereof may receive such Fees as shall be fixed by the Chancellor of the Diocese.

PART IV.

New Parishes.

1. *Separate Parochial Districts to become new Parishes, when they have Churches.*

District for which no Church has been specified when formed, to be a new Parish as soon as a

81. If no existing Church shall have been specified as the Church of a separate Parochial District formed under this Act, then such separate Parochial District shall, when any Church built, purchased, or acquired therein shall have been approved of by the Commissioners under their Common Seal, and consecrated as the Church of such District, become upon such Consecration a new Parish for Ecclesiastical

tical Purposes, by the Name of "The New Parish of ," according to the Name fixed for such District, and such Church shall be the Church of such new Parish, and thereupon the Minister of such District shall, having been duly licensed without any further Form or Process of Law, become and be the Incumbent of such new Parish and of the Church thereof.

Church is consecrated. 6 & 7 Vict. c. 37. s. 15.

82. Upon such District becoming a new Parish, any Licence granted by the Bishop licensing any Building for Divine Worship as herein-before mentioned shall thereupon be void.

Minister of District to be the perpetual Curate. 6 & 7 Vict. c. 37. s. 15.

83. The Patronage or Right of Nomination of the Incumbent of such new Parish shall, unless or until such Patronage or Right of Nomination shall be otherwise wholly assigned, or except so far as the same shall be otherwise in part assigned under this Act, be exercised, as herein-after mentioned, alternately by the Queen and the Bishop, such Nomination being first exercised by Her Majesty on the Formation of the separate District.

Patronage of new Parish to be in the Crown or Bishop alternately, unless otherwise assigned. 6 & 7 Vict. c. 37. s. 21.

84. If an existing Church shall have been specified as the Church of a separate Parochial District formed under this Act, such District shall immediately upon the issuing of the Order of Her Majesty in Council ratifying the Scheme for the Formation of the District become and be a new Parish, by the Name fixed in the Scheme, and such Church and its Incumbent shall, without any Form or Process of Law, be the Church and Incumbent of the new Parish.

District for which a Church has been specified becomes a new Parish. 19 & 20 Vict. c. 104. s. 2.

85. The Patronage or Right of Nomination of the Incumbent of such new Parish shall belong to the Patron of the Church so specified as aforesaid, unless or until such Patronage or Right of Nomination shall be otherwise wholly or in part assigned under this Act.

Patronage to belong to the Patron of the specified Church, unless otherwise assigned.

2. *Districts generally to become new Parishes when all the Offices of the Church may be performed therein.*

86. If and as soon as Baptisms may be ministered, Banns of Matrimony published, Marriages solemnized, and Churchings performed according to Law in any consecrated Church to which a District or reputed District already belongs or shall hereafter belong, such District shall be a new Parish for Ecclesiastical Purposes, whether the entire Fees in respect of such Offices of

When Districts formed under Church Building Acts, &c. become new Parishes. 19 & 20 Vict. c. 104. s. 14.

of the Church are or are not payable to the Incumbent of such Church for his own Benefit; and the Incumbent of such Church shall, without any Form or Process of Law, become and be the Incumbent of such new Parish, and of the Church thereof.

Reservation of the Rights of the Incumbent of the Mother Church.

87. If at the Time of such District becoming a new Parish, the Fees or any Part thereof, for the Performance of the Offices of the Church, shall belong or be payable to the Incumbent of any other Church, nothing in this Act contained shall affect any Rights of such Incumbent in respect of such Fees, Easter Offerings, and Dues, until the Avoidance of the Incumbent to whom such Fees shall belong or be payable, or the Relinquishment by him in Writing of such Fees.

Patronage not to be affected unless assigned.

88. Nothing herein contained shall affect the Patronage or Right of Nomination of the Incumbent of such new Parish, unless or until such Patronage or Right of Nomination shall be otherwise wholly or in part assigned under this Act.

PART V.

General Provisions as to Districts and new Parishes.

Nothing in this Act to alter the Power of forming new Parishes under Statute 1 & 2 Vict. c. 106.

89. Nothing in this Act shall be construed to abridge or take away the Powers to form new Parishes, or to alter the Boundaries of Parishes, or to unite or consolidate Parishes, or to annex any Places or Districts to any existing Parishes, contained in an Act passed in the Session holden in the First and Second Years of the Queen, Chapter One hundred and six, or in any other Act or Part of an Act not hereby expressly repealed.

On Application to the Commissioners by Patron, Incumbent, and Vestry, a Parish, Chapelry, or District may be formed out of a Parish regulated by a Local Act. 14 & 15 Vict. c. 97. ss. 21. 29.

90. Where under any Local Act, in force on the *Seventh Day of August One thousand eight hundred and fifty-one*, a Parish cannot otherwise be brought within the Provisions of this Act touching the Formation thereout of a new Parish, Chapelry, or District, and a Representation is made to the Commissioners by the Patron and Incumbent of such first-mentioned Parish, and by the Vestry of such Parish, that it will be for the spiritual Benefit of such Parish if it be brought within such Provisions, the Commissioners may, with the Consent of the Bishop, put in execution with respect to such Parish the Provisions of this Act relative to the Formation of any new

new Parish, Chapelry, or District, and such Provisions shall thereupon be applicable thereto.

Application to Commissioners sufficient if signed by Incumbent and Vestry where Patronage is vested in Inhabitants or Parties above Thirty in Number. 14 & 15 Vict. c. 97. s. 21.

91. If the Patronage of the Church of such Parish be vested in or exercised by the Inhabitants thereof generally, or by any Body or Class of Persons exceeding *Thirty* in Number, such Application to the Commissioners shall be sufficient if signed by the Incumbent and by the Vestry of such Parish; and such Vestry may meet for the Purpose of deciding whether it is expedient to make such Representation to the Commissioners, and if the Majority in Number of those present at such Meeting be in favour thereof, the Churchwardens of such Parish, or the Chairman of such Meeting, shall sign such Representation on behalf of such Vestry or Meeting.

Church built by Subscription may be made a District Church.

92. If within the Space of Forty Years next after the Consecration of any Church erected by private Subscription under the Provisions of an Act passed in the Fifth Year of His late Majesty King George the Fourth, intituled "An Act to make further Provisions, and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and in the Third Year of His present Majesty, for building and promoting the building of additional Churches in populous Parishes," it shall be deemed expedient that a District should be assigned to such Church, the Consent of the Bishop, and of a Majority of the Subscribers entitled to elect the Trustees of such Church, and of the respective Incumbents of such Church, and of the Parish in which the same may have been erected, and of the Patron of such last-mentioned Parish, shall be necessary for that Purpose; and if within such Space of Forty Years Her Majesty in Council shall have duly assigned any District to such Church, the same shall thenceforth be and become a District Church to all Intents and Purposes under this Act; but if no such District shall have been assigned thereto, then upon the Expiration of such Forty Years such Church shall be and remain a Chapel of Ease of the Parish or District in which the same may have been erected, and the same may at any Time afterwards be made a District Church in the same Manner as any other Parochial Chapel of Ease, and not otherwise.

Extra-parochial Places may be annexed to or made new Parishes or Districts, &c. 1 & 2 Vict. c. 107. s. 12.

93. Any Extra-parochial Place or any Part of any Extra-parochial Place may, upon a Representation of the Commissioners, and by an Order of Her Majesty in Council ratifying the same, be annexed to any adjoining Parish, or be made a new Parish for Ecclesiastical Purposes or a Chapelry, under the Provisions of this Act, or be annexed to any such new Parish or Chapelry upon the Formation thereof, or at any Time subsequent thereto, subject to the like Consents

and to the same Rules and Regulations as are contained in this Act relative to the Formation of such Parishes and Chapelries respectively.

In every new Parish Bishop of the Diocese in which the Lord's Table is situated to have Jurisdiction. 59 G. 3. c. 134. s. 6. 2 & 3 W. 4. c. 61. 8 & 9 Vict. c. 70. s. 9.

94. Every new Parish or District Chapelry shall, whether the same or the Church thereof may or may not be situate wholly or in part within any Exempt or Peculiar Jurisdiction, be subject to the Jurisdiction of the Bishop and Archdeacon within the Limits of whose Diocese and Archdeaconry the Lord's Table of such Church is situate, in as full and ample a Manner as it would be if no Part of such new Parish or District Chapelry were within such Exempt or Peculiar Jurisdiction; and in every such Case all other Ecclesiastical Jurisdiction over such new Parish or District Chapelry and its Church shall cease.

Inhabitants of new Parishes to be Parishioners thereof. 19 & 20 Vict. c. 104. s. 15.

95. The resident Inhabitants of every new Parish shall for all Ecclesiastical Purposes be Parishioners thereof, and of no other Parish, and such new Parish shall, for the like Purposes, have and possess all and the same Rights and Privileges, and be affected with such and the same Liabilities, as are incident or belong to a distinct and separate Parish, and no other Liabilities; provided that nothing herein contained shall be taken to affect the legal Liabilities of any Parish regulated by a Local Act of Parliament, or the Security for any Loan of Money legally borrowed.

Minister of new Parish to be a Perpetual Curate and Body Politic and Corporate. 6 & 7 Vict. c. 37. ss. 12. 16. 19 & 20 Vict. c. 104. ss. 14. 15.

96. Every new Parish and its Church shall be a Benefice with Cure of Souls, and its Incumbent shall be a Body Politic and Corporate, with perpetual Succession, and may, without a Licence in Mortmain, receive and hold to himself and his Successors any Land or Property which any Body or Person may give or grant to him according to Law, and, subject to the Rights of the Bishop, shall have sole and exclusive Cure of Souls in and over his Parish, and the exclusive Right of performing all Ecclesiastical Offices within the Limits of the same for the Inhabitants thereof.

Incumbent of new Parish to be Vicar or Rector thereof.

97. Every such Incumbent who, but for this Enactment, would be entitled only to the Title or Designation of Perpetual Curate shall be called the Vicar of such new Parish, except that, when all the Tithes, Moduses, Endowments, and other Ecclesiastical Dues or Profits arising within any new Parish shall belong to the Incumbent of the Church of such new Parish, such Incumbent shall be the Rector and not the Vicar thereof.

Disposition of the Money given at the Offertory. 13&14 Car. 2. 8 & 9 Vict. c. 70. s. 6.

98. The Money given at the Offertory in the Church of any new Parish or Chapelry under the former Church Building Acts, or New Parishes Acts, or this Act, shall be disposed of by the Minister and Church-

Churchwardens of such Church in the same Manner as the Money given at the Offertory at any ancient Parish Church is by Law to be disposed of by the Minister and Churchwardens thereof.

Freeholds of Sites of Churches, Burial Grounds, and Parsonages of new Parishes to vest in Incumbents. 19 & 20 Vict. c. 104. s. 10.

99. The Freehold of the Site of the Church of every new Parish and Chapelry under this Act, and of the Churchyard, Burial Ground, and Vaults belonging thereto, with the Rights, Easements, and Appurtenances thereof, (but in case the same shall be vested in any Vestry by any Local Act of Parliament then not without the Consent of such Vestry,) and the House of Residence, with the Appurtenances thereof, and all the Land and Property belonging to such Church, or held by or vested in any Body or Person in trust for the exclusive Benefit of the Incumbent of such Church, shall by virtue of this Provision vest in such Incumbent and his Successors for ever, and be held in right of such Incumbency.

Lands, Tithes, &c. to vest in Incumbent and his Successors. 7 & 8 Vict. c. 94. s. 11. 19 & 20 Vict. c. 104. s. 23.

100. Endowments which shall be provided for the Use and Benefit of any Church or the Incumbent thereof, under this Act, shall, unless otherwise permitted by this Act, be settled and assured by the Body or Person providing the same, to the Satisfaction of the Commissioners, by such Deeds and in such Manner as the Commissioners shall from Time to Time direct, unto and to the Use of such Incumbent and his Successors for ever; and such Deeds shall be valid, whether such Church shall be vacant or full of an Incumbent.

Incumbents subject to the Laws relating to Presentation, Institution, &c. 58 G. 3. c. 45. ss. 20. 25.

101. The Laws and Customs of the United Church as to Presentation, Nomination, Institution, Induction, Collation, Licence, Jurisdiction of the Bishop and other Jurisdiction, shall apply to every Incumbent of any new Parish or Chapelry under this Act, and to all Persons presenting or appointing or having a Right to present or appoint him: Provided, that no Incumbent appointed to any Donative or Perpetual Curacy shall be removed at the Pleasure of any Body or Person having the Right of Appointment thereto.

Offices of the Church to be performed in the Church of a new Parish, and Fees to be received by the Incumbent. 6 & 7 Vict. c. 37. s. 15. 19 & 20 Vict. c. 104. ss. 2. 14.

102. The Offices of the Church may be performed in the Church of every new Parish, and such Fees shall be due and payable in respect thereof as shall have been fixed by the Commissioners, or as shall be fixed by the Chancellor of the Diocese in which such new Parish shall be situate, and which Fees such Chancellor is hereby required to fix accordingly; and the like Easter Offerings and Dues may be received within the Limits of such new Parish by the Incumbent thereof as are and were, at and before the Time of the new Parish becoming such, payable to the Incumbent of the Church of the Parish, District, or Place out of which such new Parish was formed.

Churchwardens to be chosen. 6 & 7 Vict. c. 37. s. 17. 19 & 20 Vict. c. 104. ss. 2. 14.

103. Within *Twenty-one* Days from the Time that any new Parish or Chapelry under this Act is formed, or shall become such, Two fit Persons, being Inhabitants thereof and Members of the United Church, shall be elected and admitted Churchwardens for such new Parish or Chapelry, one being chosen by the Incumbent thereof and the other by the Majority of the Inhabitants thereof voting at such Election, and having a similar Qualification to that which would by the Common Ecclesiastical Law entitle Inhabitants to vote at the Election of Churchwardens for any Parish.

Mode of Election. 6 & 7 Vict. c. 37. s. 17.

104. Such Election shall take place at a Meeting to be summoned in such Manner in all respects as such Incumbent shall direct; and the Successors in Office of such Churchwardens shall be appointed at the then next usual Period of appointing Parish Officers; and at the like Time in every Year Two such Persons shall thenceforward be chosen by the Incumbent for the Time being and Inhabitants so summoned and assembled; and the same Rule shall apply to all Elections, after the passing of this Act, of Churchwardens for any new Parishes or Chapelries formed under any of the former Church Building Acts or New Parishes Acts before the passing of this Act.

Duties. 6 & 7 Vict. c. 37. s. 17.

105. Every Person so chosen shall be admitted, and shall collect, receive, and appropriate the Pew Rents, if any, fixed by the Commissioners, or otherwise payable for the Pews and Seats in the Church of such new Parish or Chapelry (as the Case may be), and pay the Stipend or Salary (if any) assigned thereout to the Incumbent and Clerk (or either of them) of the said Church, and shall do all Things pertaining to the Office of Churchwarden as to Ecclesiastical Matters in the new Parish or Chapelry; provided that nothing herein contained shall render any such Churchwarden liable or competent to perform the Duties of Overseer of the Poor in respect of his Office of Churchwarden.

Clerk and Sexton to be appointed by Incumbent. 19 & 20 Vict. c. 104. s. 9.

106. The Parish Clerk and Sexton, if any, of the Church of every new Parish under this Act shall be appointed by the Incumbent for the Time being of such Church, and may be by him at any Time removed, at the Will of such Incumbent.

Pew Rents may be applied in certain Cases towards Repair of Church of new Parish and Endowment of Ministers. 19 & 20 Vict. c. 104. s. 6.

107. The Commissioners may, from Time to Time, if it appear to them that sufficient Funds cannot be provided from other Sources, but not otherwise, with the written Consent of the Bishop, Patron, and Incumbent, and after due Notice to the Churchwardens, order under their Common Seal that annual Rents may be reserved and taken in respect of any Pews or Sittings in any Church for or to which a separate Parochial District may have been formed or assigned since the *Twenty-eighth Day of July One thousand eight hundred and*

and fifty-six, under the former New Parishes Acts, or may hereafter be formed or assigned under this Act; and such Rents shall be charged, levied, and taken by the Churchwardens for the Time being of such Church after a Rate or Scale which shall be specified in such Order, and the Proceeds not otherwise appropriated by Law shall be applied towards the Repair and Maintenance of the same Church, or the Maintenance of the Incumbent or the Services thereof, or the Endowment of such Church, or for any of the Purposes aforesaid, in such Manner as shall be specified in such Order, and to no other Uses.

One Third of the Pews or Sittings to be Free Sittings. 19 & 20 Vict. c. 104. s. 6.

108. *One Third* Part at least of the whole Number of Pews or Sittings in every such Church as last before mentioned shall be Free Sittings, and it shall be shown to the Satisfaction of the Commissioners that such Free Sittings will, with respect to Position and Convenience, be as advantageously situated as those for which a Rent may be fixed and reserved.

Upon a permanent Endowment being provided for Church a, proportionate Amount of Sittings to be declared free, or Pew Rents to be reduced or extinguished. 19 & 20 Vict. c. 104. s. 7.

109. Upon a permanent Endowment being provided for any Church in which Pew Rents have previously been authorized to be taken, and upon such Endowment being approved of by the Commissioners, they may, by an Order under their Common Seal, with the Consent of the Bishop, make an equivalent Reduction in the total Amount of the Rents authorized to be taken for the Pews or Sittings in such Church, if the same be not appropriated by Law for specific Purposes, either by a Reduction of the Rate or Scale, or by declaring certain specific Pews or Sittings theretofore chargeable with Rents to be absolutely free; and if such Endowment shall, in their Judgment, be of sufficient Amount or Value to make Pew Rents unnecessary, they may by such Order declare all the Pews and Sittings in such Church to be absolutely free.

Such Alteration not to affect Loan on Pew Rents. 19 & 20 Vict. c. 104. s. 6.

110. If any Sum of Money shall have been borrowed under the Authority of any Act of Parliament or Order in Council upon the Security of Pew Rents, such Order of the Commissioners shall not take effect until after the Repayment of every Sum so charged or chargeable.

Pew Rents may be altered. 19 & 20 Vict. c. 104. s. 8.

111. The whole or any Part of the Provisions contained in any such Order made by the Commissioners may be from Time to Time rescinded by them, with the Consent of the Bishop, Patron, and Incumbent, and after due Notice to the Churchwardens.

PART VI.

Substitution of new for old Parish Churches.

Commissioners may, in certain Cases and with

112. When the Commissioners are of opinion that it will be for the Convenience of any Parish, District, or Place that any other

certain Consents, direct the Transfer of the Endowment of an old Church to a new Church, and the old Church may be pulled down by Faculty. 3 G. 4. c. 72. s. 30. 8 & 9 Vict. c. 70. s. 1.

Church situate within the same should be substituted for the old or existing Church thereof, they may, by an Instrument under their Common Seal, with the Consent of the Vestry and of the Bishop, Patron, and Incumbent under their Hands and Seals, declare that such other Church shall be substituted for the old or existing Church, and transfer the Endowments, Emoluments, and Rights belonging to such old or existing Church, or to the Incumbent thereof, to such other Church and to the Incumbent thereof and his Successors, and the Trustees, if any, of such old or existing Church, or of any Rights, Emoluments, or Endowments belonging thereto, or to the Incumbent thereof, shall transfer the same or shall hold the same in trust (as the Case may be), according to the Direction of the Commissioners; provided that such Consent of any Vestry shall be confirmed by a subsequent Vestry to be specially called for the Purpose.

Glebe Lands, &c. belonging to the old Church to be vested in the Incumbent of the new Church. 3 G. 4. c. 72. s. 30. 8 & 9 Vict. c. 70. ss. 1, 2.

113. Immediately from and after any such Transfer all Glebe Lands, Tithes, and other Endowments, Emoluments, Fees, and Profits, and every Matter or Thing, whether Real or Personal, and all Rights and Privileges wherewith the old or existing Church was at the Time of such Substitution endowed, shall be vested in and belong to the Incumbent for the Time being of such substituted Church and his Successors, in as ample a Manner as the Incumbent of the old or existing Church might have enjoyed the same if such Transfer had not taken place, and the Incumbent of the old or existing Church shall thereupon be the Rector, Vicar, or Perpetual Curate, as the Case may be, of such substituted Church, instead of Rector, Vicar, or Perpetual Curate of the old or existing Church, without any Presentation, Institution, Induction, Collation, or other Form of Law.

New Church to have the same Rights as the old Church. 3 G. 4. c. 72. s. 30. 8 & 9 Vict. c. 70. s. 1.

114. Such substituted Church shall thereupon have the same Rights and Privileges in relation to all Matters, Civil and Ecclesiastical, as such old or existing Church, and such Offices of the Church as were performed and celebrated in such old or existing Church shall be performed and celebrated in such substituted Church.

Claims of Persons to Pews in the old Church to be investigated, and if proved such Persons to have Pews in the new Church, on the same Terms as in the old Church. 8 & 9 Vict. c. 70. s. 1.

115. At any Time within *Six* Months after any such Substitution the Bishop may, of his own mere Motion, issue, or, if thereunto required by any Person claiming to hold a Pew or Seat free of Rent in such old or existing Church by Faculty or Prescription, shall issue a Commission under his Hand and Seal, directed to the Archdeacon of the Archdeaconry in which such old or existing Church is situate, and to any Two Incumbents of Parishes situate within such Archdeaconry, and to any Two Laymen nominated by the Churchwardens of such Church, who are hereby required to nominate for such Purpose Two fit Persons not claiming any such Pew or Seat.

116. Such

116. Such Commission shall direct such Commissioners to inquire into the Rights of Persons, if any, who claim to hold any such Pews or Seats in such old or existing Church by Faculty or Prescription; and the Commissioners, or any Three or more of them, of whom such Archdeacon shall be One, shall, as soon as conveniently may be, proceed to examine into such Claims, after giving *Fourteen* Days previous Notice thereof, by affixing a Copy of such Commission on the Church Doors of such substituted Church; and such Notice shall specify the Day and Time and Place on which such Inquiry and Examination are to be made.

Issuing of Commission to ascertain Rights to Pews or Seats. 8 & 9 Vict. c. 70. s. 1.

117. After such Commissioners shall have examined and decided upon such Claims the Archdeacon shall transmit in Writing under his Hand to the Bishop the Names and Residences of the Persons who have substantiated their Claims to such Pews or Seats, and if the Bishop be satisfied therewith he shall assign, under his Hand and Seal, to such Parties respectively, convenient Pews or Seats in such substituted Church, and such Seats so assigned shall be held and enjoyed by the Persons entitled thereto in the same Manner as the Pews or Seats which they had or would have been entitled to in such old or existing Church.

Return to be made to the Bishop of Persons entitled to Pews and Seats. 8 & 9 Vict. c. 70. s. 1.

118. If any Person find himself aggrieved by the Finding of such Commission, the Bishop shall have Power to afford Redress, by allotting to such Person Pews or Seats in such substituted Church, to be held and enjoyed in manner aforesaid, if, in his Judgment, the Justice of the Case require it.

Appeal against Decision of Commissioners. 8 & 9 Vict. c. 70. s. 1.

119. The old or existing Church may, if the Bishop think fit, after the Expiration of such *Six* Months, if such Claims shall have been satisfied, be wholly or partly pulled down, under a Faculty to be granted for that Purpose; and the Bishop shall in that Case take care that all Tombstones, Monuments, and Monumental Inscriptions in such Church so pulled down are as far as may be preserved by the Churchwardens, at the Expense of the Parish, District, or Place, or, if the Bishop deem it expedient, the same shall be transferred, at the Expense of the Parish, District, or Place, to such substituted Church.

The old Church may be pulled down, &c. Preservation of Tombstones, Monuments, &c. 8 & 9 Vict. c. 70. s. 1.

120. Such old and existing Church, unless and until the same shall be pulled down, shall remain and be a Chapel of Ease, and the Right of Nomination to such Chapel, so long as it shall remain a Chapel of Ease, shall vest in the Incumbent of the Parish, District, or Place. Such old and existing Church may on or at any Time after such Substitution or Transfer be made under this Act the Church of any Parish, District, or Place, by an Order in Council.

Until Order in Council take effect, Church to be a Chapel of Ease. 1 & 2 Vict. c. 107. s. 16.

 121. In

Pew Rents to be fixed by Commissioners. 8 & 9 Vict. c. 70. s. 1.

121. In case such substituted Church has been built wholly or in part out of any Funds placed at the Disposal of the Commissioners, Rents for the Pews or Seats in such Church shall only be fixed by the Commissioners under this Act for that Number of Pews or Seats therein which shall exceed the Number of Pews or Seats provided in the old or existing Church; provided that equally convenient Pews or Seats shall be allotted in the substituted Church to such of the Parishioners as possessed or enjoyed Rights thereto in the old or existing Church.

Incumbent of old Church and his Successors to be Incumbent of new Church. 8 & 9 Vict. c. 70. s. 2.

122. The Body or Person who for the Time being would have had a Right of presenting or appointing the Incumbent of such old or existing Church in case such Transfer had not been made shall, in lieu thereof, when any Vacancy occurs, have such and the like Right of presenting or appointing the Incumbent of such substituted Church as such Body or Person could have had with respect to the old or existing Church.

No new Church to be substituted for an old Church when Advowson belongs to any other Person than Patron of the original Church. 8 & 9 Vict. c. 70. s. 1.

123. Nothing herein contained shall authorize the Substitution of any Church in lieu of any old or existing Church when the Advowson of or Right of Nomination to such first-mentioned Church shall belong to any other Body or Person than to the Patron of such old or existing Church, without the Consents in Writing of the Patron and Incumbent of such first-mentioned Church.

Existing Church to comprehend Two Churches forming the Church of One Benefice.

124. The Term old and existing Church, in the Provisions herein-before contained, shall include and comprehend both or either of Two Churches held together and forming the Church of One Benefice.

Where any Part of a Cathedral Church has been accustomed to be used as a Parochial Church, such Church may, with certain Consents, be made a new Church. 8 & 9 Vict. c. 70. s. 4.

125. Where any Part of a Cathedral Church has been accustomed to be used as a Parochial Church, the Commissioners may, with the Consents of the Bishop and Dean and Chapter of such Cathedral Church, and also with the Consents of the Patron and Incumbent of such Church, transfer the Rights, Emoluments, Tithes, and other Endowments (if any) belonging to the Incumbent of such Church, to any substituted Church which has been or hereafter may be built, and which is situate in the Parish where such Part of such Cathedral is or of which it is deemed to be the Parish Church.

Rights, Privileges,

126. In case of such Transfer the Provisions herein-before contained touching the Rights, Privileges, Succession, and Appointment of the Incumbent of a Church substituted for an old Parochial Church, and the Performance of the Offices therein, and the Examination into the Claims of Parties claiming to hold Pews or Seats by

by Faculty or Prescription in the old Parochial Church, and the Assignment of Pews or Seats to those who have substantiated such Claims, or received such Allotment of Pews or Seats as herein-before mentioned, shall apply to such substituted Church, which after such Transfer shall become the Parish Church in lieu of the old Parochial Church so forming a Part of such Cathedral Church; and such substituted Church and the Incumbent thereof shall, after such Transfer, be subject to the same ordinary and other Ecclesiastical Jurisdiction as the old Parochial Church and the Incumbent thereof were or would have been respectively subject to.

&c. to be transferred. 8 & 9 Vict. c. 70. s. 4.

127. The Part of the Cathedral Church vacated by the Substitution of such other Church for the same shall thenceforth remain and be deemed to be Part of the Cathedral Church, in the same Manner as if it had never been used as a Parochial Church, and shall thenceforth be subject to the same Control and Superintendence, and to the same Laws as to Repairs, as may be in force with respect to the Cathedral Church, and the Parish shall thenceforth be exempt from all further Liability (if any) to keep the same in repair; provided that the Body or Persons liable to the Repair of such Part of such Cathedral Church whilst it was so used as a Parochial Church shall continue to be liable to the Repairs of the substituted Church.

Liabilities for Repairs, &c., 8 & 9 Vict. c. 70. s. 4.

PART VII.

Rebuilding and enlarging Churches.

128. The Churchwardens of any Parish, District, or Place, or Persons appointed to act as Churchwardens therein, by the Vestry thereof, may take down the existing Church or any Part thereof, and rebuild or enlarge it upon the same or a new Site, by means of any Funds given or provided by voluntary Donation or Subscription, with the Consent of the Vestry ratified at a subsequent Meeting to be specially called for the Purpose, and with the Consent also under the respective Hands of the Bishop, Incumbent, Patron, and Lay Impropriator, if any, of such Church.

Powers for rebuilding or enlarging the Church. 59 G. 3. c. 134. s. 40.

129. Of the additional Accommodation obtained by the rebuilding, enlarging, or otherwise extending the Accommodation of any Church, *One Half*, at least, shall be set apart for Free Seats in the Case of a Parish Church, and One Third at least in the Case of any other Church.

One Half of the additional Accommodation to be set apart for Free Seats. 58 G. 3. c. 45. s. 59. 59 G. 3. c. 134. s. 40.

130. Persons possessing by Faculty or Prescription the Right to any Pews or Sittings within such Church so to be taken down shall have Pews or Sittings as nearly as may be in the same Situation and of equal Accommodation allotted and set apart for them in such new Church, and to be held by them respectively in like

Rights by Faculty or Prescription preserved. 59 G. 3. c. 134. s. 40.

Manner as in the old Church, and all Tombstones, Monuments, and Monumental Inscriptions in such Church so to be taken down shall be carefully preserved by the Churchwardens, and shall be set up by them, at the Charge of the Parish, in such new Church, as nearly as Circumstances will admit in the same Situations as in the old Church.

PART VIII.

Conversion of Vicarages into Rectories.

The Commissioners may convert a Vicarage or the Division of a Vicarage into a Rectory. In case of Impropriate Rectory the Owner must consent. In case of Sinecure Rectory the Patron and Incumbent must consent. 3 G. 4. c. 72. s. 13.

131. The Commissioners may convert a Vicarage of any Parish or of any of the separate Divisions formed thereout under the former Church Building Acts or this Act, into a Rectory instead of a Vicarage, whenever the Owner beneficially entitled in Fee Simple to the Rectory or Tithes (if an Impropriate Rectory), or the Patron so entitled of a Sinecure Rectory, and also the Incumbent of the Sinecure Rectory of such Parish, if the same be not void at the Time of any such Conversion, and the Person (if any) beneficially entitled to the absolute Interest in any Lease granted of the Sinecure Rectory, or Glebe or Tithes thereof, consents to restore, release, and reunite the Tithes and Glebe and all other Rectorial Rights, Dues, and Emoluments of any such Parish, or any such Part or Proportion thereof as is satisfactory to the Commissioners, to the Incumbent of such Parish and his Successors for ever; and such Surrender or Restoration may be made by any Instrument as the Commissioners shall direct.

Instrument of Conversion to be registered and enrolled. 3 G. 4. c. 72. s. 13.

132. The Commissioners shall, under their Common Seal, direct such Conversion of any such Vicarage into a Rectory, from the Period specified in such Instrument, and upon the Conditions as to the Transfer, Restoration, or reuniting of Tithes, Glebe, or other Rectorial Rights, Dues, and Emoluments therein mentioned; which Instrument shall be registered in the Registry of the Diocese in which the Parish shall be locally situate, and enrolled in the High Court of Chancery.

Parish to be deemed a Rectory. 3 G. 4. c. 72. s. 14.

133. Every such Parish, or such separate Division formed thereout as aforesaid, as the Case may be, shall be deemed a Rectory without Prejudice to the Rights of any other Persons; and the Incumbent of any such Vicarage shall thereupon become and be Rector of such Parish or such separate Division thereof, without any new Induction or other Proceeding whatever, and shall be entitled to use all such Remedies as if he had been inducted thereto, for the Recovery of Tithes, Glebe and all other Rectorial Rights, Dues, and Emoluments, as Rector of such Parish or Division.

Consents to be binding. 3 G. 4. c. 72. s. 13.

134. The Commissioners, before any such Transfer can be completed, may accept and confirm any such Restoration or Release and

and Reunion of any such Tithes, and accept and record the Consents or Engagements in relation thereto, and may proceed to the completing of any such Transfer for the Purpose of converting any such Vicarage into a Rectory; and all such Consents shall be binding upon the Heirs, Successors, Executors, and Administrators respectively of any Person giving the same, if any Death or Change shall thereafter occur in any Patronage or Incumbency, as if the Consent had been given and Transfer made by the Impropriator, Patron, or Sinecure Rector and Incumbent, if any, and Tenant for the Time being, when the Arrangement and Division is completed.

Liability of Incumbent for the Maintenance and Repair of House of Residence. 3 G. 4. c. 72. s. 13.

135. No Incumbent shall in any such Case become liable to the Maintenance or Repair of more than One House of Residence in any such Parish; and when in any such Parish there is more than One House belonging to the Church thereof, the Bishop shall decide which shall thereafter be deemed the House of Residence, and be maintained and repaired as such; and the Order of the Bishop in relation thereto shall be registered in the Registry of the Diocese, and a Duplicate Copy of such Order shall be deposited and be kept in the Chest of the Church of such Parish.

Sinecure Rector may release Part of Rectorial Glebe, &c. and retain the Remainder in Fee Simple, for the Purpose of converting any Vicarage into a Rectory by the Commissioners. 3 G. 4. c. 72. s. 14.

136. If the Commissioners think proper to convert into a Rectory the Vicarage of any Parish, or separate Division of a Parish, which shall be so divided, or in which a new Church shall have been erected under the former Church Building Acts or this Act, and the Possessor of the Sinecure Rectory of such Parish for Two or more Lives, by virtue of a Lease granted thereof by a Rector with the Consent of the Patron and Bishop, be desirous of retaining any Manor or other Hereditaments, being the Glebe Land or Part of the Glebe Land of such Rectory, and be willing to surrender all his Estate in the Tithes, and the Residue (if any) of the Glebe Land of such Rectory, on condition that such Manor or other Hereditaments be vested in him in Fee Simple absolutely, then the Commissioners may, with the Consent of the Patron of such Rectory, being absolutely and beneficially entitled thereto, and the Incumbent thereof (if any), by any Instrument under the Seal of the Commissioners, and sealed and delivered by such Patron and Incumbent (if any), upon the Execution by such Possessor of such Rectory, together with the Patron and Incumbent (if any) thereof, and by the Commissioners, of such Instruments as herein-before mentioned or referred to, for surrendering, releasing, and vesting all the Rectorial Tithes and Glebe Land (except the Manor and other Hereditaments to be retained as aforesaid), release and convey such Manor or other Hereditaments to such Possessor or such other Person as he shall in that Behalf direct, his Heirs and Assigns.

Instruments of Surrender,

137. Such Instruments shall be enrolled in the High Court of Chancery, and upon the Execution thereof the Manor and other

&c. to be enrolled. 3 G. 4. c. 72. s. 14.

Hereditaments comprised therein, and the Fee Simple thereof, shall be vested in the Person to whom the same shall be conveyed, his Heirs and Assigns.

PART IX.

Assignment and Transfer of Rights of Patronage.

Patronage of a separate District without a specified Church, before and after it becomes a new Parish, may be conferred upon Contributors to Endowment. 6 & 7 Vict. c. 37. s. 20.

138. It shall be lawful, by the Authority of a Representation of the Commissioners and an Order in Council ratifying the same, at any Time to assign to any Body or Person, or the Nominees or Nominee of any Body or Person, either in perpetuity, or for One or more Nomination or Nominations, the Right of Patronage of any separate Parochial District, (as well before as after it shall have become a new Parish,) for which no Church was specified in the Scheme for its Formation, upon Condition of such Body or Person contributing, in such Proportion and Manner as shall be approved by the like Authority, to the permanent Endowment of the Minister or Incumbent, or towards providing a Church for such separate Parochial District or new Parish.

Patronage may be conferred in return for certain Endowments. 6 & 7 Vict. c. 27. s. 20. 19 & 20 Vict. c. 104. s. 16.

139. It shall be lawful, by the like Authority of a Representation and Order in Council, with the Consents herein-after mentioned, at any Time to transfer, either in perpetuity or for One or more Nominations, to any Body or Person, or their or his Nominees or Nominee, the Right of Patronage of the Church of any Parish, District, or Place the Patronage whereof is vested either wholly or partly in the Incumbent of any original Parish, District, or Place out of which such other Parish, District, or Place shall have been wholly or in part taken, by reason of his being such Incumbent, and not of any private Right, or the Patronage of the Church of any new Parish for which an existing Church was specified in the Scheme for the Formation of the separate Parochial District, or of any existing Parish or District having neither Incumbent nor any known Patron, or of any Benefice the Patronage of which is vested in the Crown, whether in its own Right or in right of the Duchy of Lancaster or of the Duchy of Cornwall, or is vested in the Duke of Cornwall, or in any Ecclesiastical or Lay Corporation, aggregate or sole, upon Condition of such Body or Person contributing, in such Proportion and Manner as shall be approved by the like Authority, to the permanent Endowment of the Minister or Incumbent, or towards providing a Church for such Parish, District, or Place.

The Cases in which the Patronage of such Benefices may be transferred. 19 & 20 Vict. c. 104. s. 16.

140. No Transfer of the Right of Patronage of any such Benefice shall be made so long as the permanent annual Endowment of such Benefice shall exceed *One hundred Pounds*, or the annual Income of the same from all Sources the Sum of *Two hundred and fifty Pounds*, such Income to be calculated by the Commissioners in the Manner provided by the Eighth Section of an Act of the First

and

and Second Years of Her present Majesty, Chapter One hundred and six, and when any Portion of such Income shall arise from Pew Rents, the Value of such Portion shall be calculated upon an Average of the *Three* Years then last preceding.

Transfer of Patronage in perpetuity to be made with certain Consents. 19 & 20 Vict. c. 104. s. 18.

141. Such Transfer shall be made in the following Cases, with the following Consents only; that is to say, in the Case of a Benefice wholly or partly in the Patronage of the Crown, or of the Duke of Cornwall, or of a Bishop, or of any Lay or Ecclesiastical Corporation Aggregate, with the Consent of the Patron thereof; and in the Case of a Benefice either wholly or partly in private Patronage, with Consent of the Patron of such Benefice; and in the Case of a Benefice in the Patronage of an Incumbent of any other Benefice, with Consent of the Bishop of the Diocese, and also with Consent of the Patron of such other Benefice, if in private Patronage; and in the Case of any Parish or District having no known Incumbent or Patron, with the Consent of the Bishop alone.

Amount of Endowment necessary for Transfer of Patronage in perpetuity. 19 & 20 Vict. c. 104. s. 17.

142. No Transfer of any Rights of Patronage shall be made in perpetuity, under the Provision in that Behalf herein-before contained, for any less Consideration than the building a Church to the Satisfaction of the Commissioners as and for the Church of such Parish, District, or Benefice, or the permanently endowing the Church of such Parish, District, or Place with a clear yearly Sum of *One hundred and fifty Pounds;* and the Commissioners may in lieu of such Sums, or as Part thereof, accept any Gift of Land or Property which they shall judge to be suitable in its Nature and equivalent to such Sums in each Case respectively, or to the Part thereof in lieu of which it shall be accepted.

In certain Cases Patronage acquired in perpetuity not to be sold. Penalty of Lapse for so doing. 19 & 20 Vict. c. 104. s. 21.

143. Whenever the Right of Patronage of any such Benefice shall have been transferred in perpetuity to any Body or Person, and whenever such Benefice shall, at the Time of such Transfer of Patronage, be already permanently endowed with an annual Sum of not less than *One hundred Pounds*, or whenever the annual Income of such Benefice from all Sources shall, when calculated upon an Average of the *Three* Years immediately preceding the Augmentation, amount to *One hundred and fifty Pounds*, no subsequent Sale, Assignment, or other Disposition of such Right of Patronage by any Body or Person whatsoever, for any valuable Consideration, shall be made until *Thirty* Years next after such Transfer, unless the entire Proceeds be legally secured to the further permanent Augmentation of such Benefice, but every such Sale, Assignment, or other Disposition shall be illegal, and every Presentation, Collation, Admission, Institution, or Induction thereupon shall be void, and the Right of Patronage of such Benefice shall thereupon for that Turn lapse to the Bishop.

Notice to be sent to Patrons. 19 & 20 Vict. c. 104. s. 19.

144. When the Commissioners intend to make any Transfer of Patronage under this Act they shall give at least *One Month's* Notice in Writing of that Intention to the Patron thereof and to the Body or Person whose Consents are herein required, and such Notice shall be served as herein-after provided.

Saving of Rights of Incumbents on the 29th of July 1856 until Avoidance. 19 & 20 Vict. c. 104. s. 21.

145. If, on the *Twenty-ninth Day of July One thousand eight hundred and fifty-six*, the Patronage of the Church of any District which shall have been formed or assigned under any of the former Church Building Acts, or under the former New Parishes Acts, was vested in the then Incumbent of the original Parish, District, or Place out of which such District, or any Part thereof, was taken, such Incumbent shall not be deprived of the Patronage of such Church by any Transfer of the same during his Incumbency without his Consent.

Appointment, Number, and Qualification of Trustees. 19 & 20 Vict. c. 104. s. 24.

146. Where the Commissioners shall make any Assignment or Transfer of any Right of Patronage under Part IX. of this Act to the Nominees of any Body or Person respectively such Nominees shall be not more than *Five* in Number, and shall be nominated in Writing to the Commissioners by such Body or Person, or by the major Part in Value of the Subscribers of not less than *Fifty Pounds* each to the Endowment or Augmentation in consideration of which such Assignment or Transfer is made.

Nominees to be Members of the United Church. 19 & 20 Vict. c. 104. s. 24.

147. Every such Nominee shall upon his Appointment sign a Declaration that he is a Member of the United Church.

Crown may nominate Ministers to Districts or new Parishes under the Sign Manual. 7 & 8 Vict. c. 94. s. 1.

148. Whenever any Right of Patronage of any separate Parochial District or new Parish shall be assigned to or vested in or may be exercised by Her Majesty under this Act Her Majesty may nominate to the Bishop a Spiritual Person to be licensed to such District or new Parish as Incumbent thereof by Warrant under Her Royal Sign Manual; and such Warrant shall authorize such Bishop to license such Spiritual Person.

Bishop may license a Spiritual Person to separate Districts or new Parishes. 7 & 8 Vict. c. 94. s. 2.

149. Wherever any Right of Patronage of any separate Parochial District or new Parish shall in like Manner be assigned to or vested in or may be exercised by any Bishop under this Act such Bishop may license a Spiritual Person to such District or new Parish as the Incumbent thereof in the same Manner, mutatis mutandis, as he may now by Law license a Spiritual Person to any Perpetual Curacy.

No Fee for the Queen's Warrant.

150. No Fee shall be payable for any such Warrant; and a Fee of *One Pound* only shall be receivable by the Secretary of any Bishop for or in respect of each and every Licence granted by any Bishop

Bishop of an Incumbent of any separate Parochial District or new Parish, or of any Building licensed by such Bishop within any such District for the Performance of Divine Service, pursuant to the Provisions of this Act; and no further or larger Fee or Gratuity shall be receivable by any Person whomsoever for the making, issuing, or granting or registering of any such Licence.

Fee for Licence. 7 & 8 Vict. c. 94. s. 3.

151. Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Persons and Trustees whosoever, (not only for or on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, or the Persons whom they represent, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons,) and all Femes Covert entitled, and every other Person who shall be possessed of or entitled to or interested in any Right of Patronage or of Presentation or Appointment to any Benefice, Donative, Perpetual Curacy, or any Right of Nomination of any Spiritual Person to any Church, or to the Performance of any Ecclesiastical Duties in any Church, and all Trustees of any Endowment or Emolument for the Use of any Church, or the Incumbent thereof, or the Spiritual Person serving the same, may surrender any such Right of Patronage, Presentation, Appointment, or Nomination, and any such Endowment or Emolument, or may enter into or make any Agreement relating thereto, with the Commissioners and the Bishop, for the Purpose of better enabling the Commissioners to convert any such Church or Chapel into the Church or Chapel of Ease of a Parish, District, or Place, and to convert any Chapelry or other Ecclesiastical Division into a Parish, District, or Place for Ecclesiastical Purposes: Provided, that such Surrender or Agreement be sanctioned by the Commissioners under their Common Seal, and by the Bishop under his Hand and Seal; and every Body and Person so making such Surrender or Agreement is hereby indemnified for so doing.

Bodies Politic, &c. may give up Rights of Patronage, and Endowments and Emoluments, held by them in trust, to enable the Commissioners to establish District Churches. 59 G. 3. c. 134. s. 15. 3 G. 4. c. 72. s. 15. 1 & 2 Vict. c. 107. s. 15.

Bodies Politic, &c. indemnified.

PART X.

Gifts and Purchases of Sites, Endowments, and Materials for Ecclesiastical Purposes.

Statutes of Mortmain not to apply to Conveyances of Gifts or Grants of Lands, &c. 43 G. 3. c. 108. s. 1.

152. Any Grant, Gift, or Devise of Land or Property made pursuant to the Provisions herein-after contained to any Body or Person, or to the Commissioners, or to such other Body or

51 G.3.c.115. ss. 1. & 2. 52 G.3.c.161. s. 27. 10 G.4. c. 50. s. 45. 3 & 4 Vict. c. 60. ss. 2, 3. 17. 14 & 15 Vict. c. 97. s. 8.

Person as they shall direct, shall be valid, without any Licence or Writ of Ad quod damnum, and notwithstanding the Grantor or Donor may die within *Twelve* Months from the Execution of the Deed or Will by which such Land or Property is granted or given, and any Body or Person granting or giving Land or Property under this Act is hereby indemnified in respect thereof.

Except where Endowment exceeds the annual Value of 300*l.* 3 & 4 Vict. c. 60. ss. 2, 3. 17. 14 & 15 Vict. c. 97. s. 8.

153. Nothing herein contained shall authorize an Exemption from the Provisions of the Mortmain Acts in the Case of an Endowment for the Use or Benefit of any Church, or of the Incumbent thereof (unless such Endowment shall be made in consideration of any Assignment, Transfer, or Declaration of any Right of Patronage under this Act), where such Endowment shall amount, together with the former Endowment, if any, provided out of Property subject to the Provisions of the Mortmain Acts, to more than the clear annual Value of *Three hundred Pounds*.

Power to determine the clear annual Value of such Endowment. 3 & 4 Vict. c. 60. s. 4.

154. In every Case in which it is necessary to ascertain the clear annual Value of any Endowment under this Act the Commissioners may cause such clear annual Value to be determined by any *Two* Persons whom they shall appoint, by Writing under their Common Seal, which Writing shall be annexed to the Instrument by which such Endowment is effected; and a Certificate of such clear annual Value, written and endorsed on such Instrument by which such Endowment is effected, and signed by such Persons, shall for the Purposes of this Act be conclusive Evidence of such clear annual Value.

Commissioners of Woods and Forests, &c., and Persons under Disability generally, may convey Lands and Buildings to the Commissioners. 51 G.3.c.115. s. 1. 52 G.3.c.161. s. 27. 58 G.3. c. 45. ss. 34. 36, 37. 59 G.3.c.161. s. 37. 3 G. 4. c. 72. s. 1. 5 G. 4. c.103. s. 19. 1 & 2 Vict. c. 107. s. 8.

155. It shall be lawful for the principal Officers of any Public Department having or holding any Land for Her Majesty for the public Use of any such Department, with the Consent in every Case of the Commissioners of Her Majesty's Treasury, or for Her Majesty by the Chancellor of the Duchy of Lancaster as to Lands belonging to the said Duchy, and also for any Body or Person having the Control, Care, or Management of any Hospital, School, Charitable Foundation, or other Public Institution, as to any Land belonging to such Hospital, School, Foundation, or Institution, and for all Tenants for Life or in Tail as to any Land of which they may be seised or possessed, and for all Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Persons, as to any Land of which they may be seised or possessed (not only on behalf of themselves, their Heirs and Successors, but also on behalf of their Cestuique Trusts, or the Persons whom they represent, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons), and for all Femes Covert, as to any Land of which they may

may be seised or possessed in their own Right, by Deed executed by or under the Seal of such Body or Hand and Seal of such Person respectively, to grant and convey, by way of Gift, Sale, or Exchange, to the Commissioners, or such Body or Person as they may direct, such Quantity of any Land of which they may be so seised or possessed, as shall in the Opinion of the Commissioners be sufficient for Sites for Churches, or for erecting, rebuilding, repairing, or purchasing Churches or for Churchyards or Cemeteries, or for Houses of Residence with Appurtenances, or for Gardens to be attached to any Houses of Residence, or for Glebe Lands, or for enlarging or improving or making a convenient and proper Access thereto respectively.

Sites of Churches, Burial Grounds, or Parsonages.

156. Every Body or Person having in their or his own Right any Estate or Interest, in possession, reversion, or contingency, of or in any Land or Property, shall have Power, Licence, and Authority, by Deed in the Case of any Land, and with or without Deed in the Case of any Personal Estate, to grant and convey by way of Gift, Sale, or Exchange, or by Will to devise or bequeath to any Body or Person, or to the Commissioners, or to such other Body or Person, as they may direct, all the Estate, Interest, or Property of such Grantor or Donor in such Land or Property or any Part thereof, for or towards providing a Church, or a Fund for the Repairs of the Fabric of any Church, or a Site for a Church, Churchyard, or Burial Ground for any Parish, District, or Place, or for or towards the Endowment or Augmentation of the Income of the Incumbent or Minister, or to provide a Fund for the Payment of any Stipendiary or Assistant Curates or Curate of any Parish, District, or Place, or for or towards providing a Residence, with Appurtenances, or Garden or Glebe Land, for any such Incumbent or Minister as aforesaid: Provided, that nothing herein contained shall enable any Person being within Age or of Non-sane Memory, or any Feme Covert without her Husband, to make any such Gift, Grant, or Alienation.

Capacity for Bodies or Persons to grant Land or Property for Endowment. 43 G. 3. c. 108. s. 1. 6 & 7 Vict. c. 37. s. 22. 7 & 8 Vict. c. 94. s. 7. 19 & 20 Vict. c. 104. ss. 4. 27.

Powers not to be exercised by Incumbent without Consent of Bishop and Patron.

157. No Gift or Grant of Land under this Act belonging to any Benefice with Cure of Souls shall be made without the Consent of the Bishop and Patron.

19 & 20 Vict. c. 104. s. 4.

158. The Commissioners, if they think fit, may, without any Investigation of Title, accept or direct to be accepted any Land granted by way of Gift by any Body or Person: Provided, that the Grantor and his Solicitor make a Declaration to the Satisfaction of the Commissioners that such Grantor at the Time of such Gift is seised in Fee Simple in Possession of such Land, free from Incumbrances, and has Power to grant the same.

Commissioners may accept Gifts of Land without investigating Title.

Land or Property to be dealt with according to the Will of Donor. 6 & 7 Vict. c. 37. s. 22.

159. Land or Property so granted and conveyed, devised and bequeathed, shall be applied according to the Will of the Grantor or Donor, as in and by the Deed or Will by which such Land or Property is granted, given, devised, or bequeathed may be expressed, or, in the Case of no Deed or Will, as may in some other Manner be directed, and in default of such Expression or Direction then in such Manner as shall be determined by a Scheme and Order in Council.

Grants of Land to extend to Enfranchisement. 58 G. 3. c. 45. s. 36.

160. The Powers herein-before contained for granting and conveying Land shall extend to authorize the Enfranchisement of Land, or the Release of any Right, Estate, or Interest in such Land.

Plots of Land not exceeding One Acre held in Mortmain may be annexed to a Church, &c., and may be granted either by Exchange or Benefaction. 43 G. 3. c. 108. s. 4.

161. Every Body Politic or Corporate, sole or aggregate, may, with or without Confirmation, as the Case may require, give and grant to any Body or Person, either by way of Exchange or Benefaction, any small Plot of Land held in Mortmain, not exceeding One Acre, for the Purpose of annexing the same, with the Consent of the Incumbent, Patron, and Bishop, to any Church, House of Residence, Churchyard, or Curtilage thereto belonging, to which such Plot of Land may lie convenient, or for the Purpose of providing a Site for any Church or House of Residence for the Incumbent or Minister of any Church.

Any Person having the Fee Simple of any Manor may grant Five Acres of the Waste for a Site for a Church, &c. 51 G. 3. c. 115. s. 2.

162. Any Body or Person seised in Fee Simple of any Manor may, by Deed enrolled in the Court of Chancery, give or grant to the Incumbent or Minister of any Parish, District, or Place, and his Successors, any Land not exceeding in the whole the Quantity of *Five Acres*, Parcel of the Waste of such Manor, and lying within such Parish, District, or Place, for the Purpose of erecting thereon or enlarging any Church, or for a Churchyard or Burying Ground, or for enlarging a Churchyard or Burying Ground, for such Parish, District, or Place, or for a Glebe for such Incumbent or Minister, or to erect a House of Residence or other Buildings thereon, or make other Conveniences for the Residence of such Incumbent or Minister, discharged from all Rights of Common thereon.

Grantors or Donors may make Conditions on Sale or Gift of Land. 58 G. 3. c. 45. s. 51.

163. In the Case of any Sale or Gift of Land or Property to the Commissioners for any of the Purposes of this Act, the Body or Person selling or giving may make such Conditions as to the Disposition thereof as may be agreed upon between the Commissioners and such Body or Person.

Land given for a Residence not to exceed Ten Acres. 58 G. 3. c. 45, s. 33.

164. The Quantity of Land that may be granted by way of Gift under this Act to the Commissioners, or to such Body or Person as they

they may direct, or which they may acquire by Purchase or Exchange under this Act, for the Residence, Garden, and Appurtenances to the House of Residence of the Spiritual Person serving any Church, shall not exceed Ten Acres.

Land acquired by Purchase or Exchange not to exceed Five Acres. 1 & 2 Vict. c. 107. s. 9.

165. No Grant by way of Gift and no Devise or Bequest for the Purpose of this Act to any Body or Person other than the Commissioners, or such Body or Person as they may direct, shall exceed Five Acres in Land or the Value of Five hundred Pounds in Money or Goods and Chattels, if the same is to be laid out in bringing Land into Mortmain, and it shall be lawful for the Lord Chancellor, on Petition, to make Order for reducing any such Gift, Devise, or Bequest that may exceed such Limits to and within such Limits, and for allotting such specific Five Acres, and, if Occasion should require, such specific Goods and Chattels, as in his Judgment shall be most convenient, or to make such other Order touching the Premises as to him shall appear just.

Persons, by Deed or Will, without the Intervention of the Commissioners, may give or grant Lands not exceeding Five Acres on personal Property not exceeding 500*l.* for certain Purposes. 43 G. 3. c. 108. s. 1.

166. No Glebe containing upwards of Fifty Acres shall be augmented with more than One Acre by any Grant by way of Gift, or by any Devise made under this Act, to any Body or Person other than the Commissioners, or such Body or Person as they may direct; but the Excess, if any, so given or devised for such Augmentation shall be reduced as aforesaid by the Lord Chancellor, and such Order thereupon shall be by him made as herein-before is directed in the Case of an Excess beyond Five Acres.

No Glebe of Fifty Acres shall be augmented with more than One Acre. 43 G. 3. c. 108. s. 3.

167. Every Instrument of Conveyance by which any Land is granted and conveyed under this Act shall be registered in the Registry of the Diocese within which such Land is locally situated.

Deeds to be enrolled. 3 & 4 Vict. c. 60. s. 5. 6 & 7 Vict. c. 37. s. 22.

168. Such Instruments of Conveyance may be made according to the Form following, or in such other Form as the Case may require; (that is to say,)

Form of Conveyance to the Commissioners. 58 G. 3. c. 45. s. 37. 3 G. 4. c. 72. s. 2. 1 & 2 Vict. c. 107. s. 6.

'I *or* We [*or the Title of a Corporation*], under the Provisions of "The Church Building and New Parishes Act, 1864," do hereby voluntarily [*or, if for a valuable Consideration, omit* "voluntarily," *and insert* "in consideration of the Sum of (*stating the Amount*) to me *or* us *or* the (*Title of a Corporation,*) paid,] convey [*by the Direction of the Ecclesiastical Commissioners,* if the Case shall so require,] all [*describing the Premises to be conveyed*], and all [my *or* our] Interest in the same, *or* all the Interest in the same of the [*Title of a Corporation*] to [*the Grantee, his Heirs or Successors, and Assigns*], for the Purposes of the said Act,

'as a Site for [*as the Case may be*], and to be devoted, when con-
'secrated [*if the Conveyance of a Parsonage House, or if a Site for*
'*a Garden or Glebe, the Words* "when consecrated" *to be omitted*], to
'Ecclesiastical Purposes for ever.

'In witness whereof, *&c.*'

Assent of Commissioners to be testified by their Seal. 8 & 9 Vict. c. 70. s. 24.

169. No Instrument by which any Conveyance shall be made to the Commissioners, or to such Body or Person as they may direct under this Act, shall be valid, or be registered in the Registry of any Diocese, unless and until the Assent thereto of the Commissioners be testified under their Common Seal, and after such Seal is affixed such Conveyance shall take effect as from the making thereof.

Property conveyed for the Site of any Church not to be questioned after Seven Years. 3 G. 4. c. 72. s. 29. 1 & 2 W. 4. c. 38. s. 17.

170. Upon the Expiration of *Seven Years* after the taking effect of any Devise, or Conveyance to any Body or Person under this Act, of any Land intended for the Site of a Church, such Land, if any Church shall have been erected thereon, shall remain absolutely vested in the Body or Person to whom the same was so conveyed, their or his Successors, Heirs or Assigns, for the Purpose for which the same was so devised or conveyed, free from all Estate, Title, or Claim of every other Body or Person; and the Claim, if any, of such last-mentioned Body or Person shall be against the Person making such Conveyance, or against the Representatives of that Person.

So much of 17 Car. 2. c. 3. as enables Impropriators to augment (repealed by 1 & 2 Vict. c. 106. s. 15.) revived. 6 & 7 Vict. c. 37. s. 25.

171. So much of an Act passed in the Seventeenth Year of the Reign of King Charles the Second, intituled "An Act for "uniting Churches in Cities and Towns Corporate," as enabled any Owner or Proprietor of any Impropriation, Tithes or Portion of Tithes, to annex the same or any Part thereof unto the Parsonage, Vicarage, or Curacy of the Parish Church or Chapel where the same lie or arise, or to settle the same in trust for the Benefit of such Parsonage, Vicarage, or Curacy, and authorized Parsons, Vicars, or Incumbents to receive Lands, Tithes, or other Hereditaments without Licence of Mortmain, shall continue in force, notwithstanding any Repeal of such Act contained in the Act passed in the First and Second Years of Her present Majesty, Chapter One hundred and six, and all Augmentations and Grants at any Time heretofore made under the said Act of King Charles the Second, or under the Act of the Sixth and Seventh Years of Her present Majesty, Chapter Thirty-seven, shall be valid.

Tender of Amends where Land improperly conveyed. 1 & 2 W. 4. c. 38. s. 7.

172. If any Body or Person to whom any Land shall have been conveyed for the Purposes of this Act shall, within *Two* Months after any Judgment in Ejectment shall have been obtained against him for such

such Land, tender or pay to the Plaintiff in such Ejectment his Costs of such Ejectment, and such Sum of Money as a Jury in the Manner herein-after mentioned shall find to have been the Value of such Land at the Time when the same was conveyed for the Purposes of the former Church Building Acts or this Act, such Land shall be absolutely vested in such Body or Person.

The Jury who shall try any Ejectment, or a Jury under a Writ of Inquiry, shall ascertain the Value of the Premises. 1 & 2 W. 4. c. 38. s. 18.

173. The Jury who shall try any Ejectment brought for the Recovery of any Lands conveyed for the Purposes of the former Church Building Acts or this Act, or, if Judgment in Ejectment have been obtained by Default, a Jury under a Writ of Inquiry (which Writ of Inquiry the Court in which such Action is brought is hereby empowered to issue) shall ascertain the Value of such Land at the Time when it was so conveyed, and the Value so found shall be indorsed by the Judge who tried the Ejectment on the Postea, or shall be returned to the Court by the Sheriff or Under Sheriff or other Person before whom any Writ of Inquiry is executed in the same Manner as other Inquests are returned on Writs of Inquiry.

The Duke of Cornwall, Commissioners of Woods and Forests, &c. may give Materials for building Churches, &c. 59 G. 3. c. 134. s. 20.

174. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, with the Consent of the Commissioners of Her Majesty's Treasury, in Writing, or for Her Majesty by any Grant signed by the Chancellor of the Duchy of Lancaster for the Time being, or, if there be no Duke of Cornwall, by any Grant signed by the Commissioners of Her Majesty's Treasury, or for the Duke of Cornwall, if of full Age, or the Council of His Royal Highness during his Minority, or for any Body Corporate or Collegiate, or Corporation Aggregate or Sole, to give and grant any Stone, Slate, or Timber, or other Materials from any Quarries, Forests, or Wastes belonging to Her Majesty in right of Her Crown, or to Her Majesty in right of the Duchy of Lancaster or of the Duchy of Cornwall (as the Case may be), or to the Duke of Cornwall, or to any such Body as aforesaid respectively, for or towards the building, rebuilding, enlarging, or increasing the Accommodation of any Church under the Provisions of this Act, or building any House or Appurtenances for the Residence of a Spiritual Person, or fencing any Garden to be annexed to such Residence, or enclosing any Churchyard.

Treasury may remit Duties of Customs or Excise on Materials used for the building of Churches, &c.

175. It shall be lawful for the Commissioners of Customs and Inland Revenue respectively, with the written Consent of the Commissioners of Her Majesty's Treasury, to remit all or any Proportion of the Duties of Customs or Excise, or to order the same to be drawn back or repaid, in respect of Timber or other Materials which have been or shall be bonâ fide procured for and used in the building, rebuilding, enlarging, or increasing the Accommodation of any

59 G. 3. c. 134. s. 21. 3 G. 4. c. 72. s. 27.

Church now or hereafter to be erected, rebuilt, enlarged, or increased in its Accommodation, with the Approbation of the Commissioners, and which Approbation may be at any Time certified under their Common Seal to the Commissioners of Her Majesty's Treasury; and such Duties shall in every such Case be remitted, drawn back, or repaid under such Regulations and in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury.

Deeds and other Instruments not to be subject to Stamp Duty. 59 G. 3. c. 134. s. 35. 3 G. 4. c. 72. s. 28.

176. No Deed of Gift, or Grant, Conveyance, Security, Contract, Agreement, Deed, or other Instrument, made for any of the Purposes or under any of the Provisions of the former Church Building Acts, the former New Parishes Acts, or of this Act, shall be subject to any of the Duties upon stamped Vellum, Parchment, or Paper.

Land conveyed to the Commissioners for Burial Grounds to be consecrated. 59 G. 3. c. 134. s. 38. 8 & 9 Vict. c. 70. s. 14.

177. Any Land of which the Commissioners may have accepted or directed a Conveyance under the former Church Building Acts or this Act, for any Burial Ground, or for the Enlargement of any Burial Ground, shall be, as soon as convenient, consecrated for the Burial of the Dead according to the Use of the United Church.

Land obtained for Burial Grounds to be Part of Parish when not within its Bounds. 3 G. 4. c. 72. s. 26.

178. When any such Land shall be situated out of the Boundaries of the Parish, District, or Place for which the same is intended, the same shall, after Consecration, be Part of such Parish, District, or Place, for Ecclesiastical Purposes.

Land conveyed for Churches and Churchyards shall be devoted to Ecclesiastical Purposes. 58 G. 3. c. 45. s. 33.

179. Land granted and conveyed or devised for the Site of, or for enlarging, or improving a Church or Burial Ground or additional Burial Ground for any Parish, District, or Place, shall, when conveyed or devised to the Commissioners, or to such Persons as they may direct, and consecrated by the Bishop, become for ever thereafter devoted to Ecclesiastical Purposes.

Land when consecrated to be freed from all Claims. 19 & 20 Vict. c. 104. s. 10.

180. The Land so granted and conveyed or devised shall, from and after the Consecration thereof, be discharged from all the Estate and Interest of any Body or Person in the same or any Part thereof respectively, subject nevertheless to any Rent that may be reserved thereout, and to the Covenants and Conditions subject to which the same may have been granted and conveyed or devised.

How the Freehold of Sites for Churches, &c. shall vest.

181. The Freehold of the Site of every Church of which the Commissioners may accept or direct a Conveyance shall, when such Church is consecrated, vest in the Incumbent thereof for the Time being; and the Freehold of every Burial Ground of which the Commissioners

missioners may accept or direct a Conveyance shall, after the same has been consecrated, vest in the Incumbent for the Time being of the Church to which such Burial Ground shall belong, or if there be no such Incumbent then in the Commissioners or such Body or Person as the Commissioners may, with Consent of the Bishop, direct, until there is an Incumbent, and from and after that Time then in such Incumbent, for the Use of the Inhabitants of the Place for which such Burial Ground was acquired. 8 & 9 Vict. c. 70. s. 13.

182. The Freehold of any Residence, House, Garden, and Glebe Land, or Land intended to be used for such Purposes, of which the Commissioners may accept or direct a Conveyance, or which may be devised to them, shall, immediately after such Conveyance or Devise, and if such Church be not then consecrated when the same shall be consecrated, vest in the Incumbent thereof for the Time being. Freehold of Residence House and Glebe to vest in Incumbent. 58 G. 3. c. 45. s. 33. 8 & 9 Vict. c. 70. s. 13.

183. When any Quit, Chief, or other Rent or other annual or recurring Charge is payable out of any Hereditaments, a Part whereof has been acquired under the former Church Building Acts or shall be acquired under this Act, it shall be lawful for the Body or Person giving or selling such Part of such Hereditaments to apportion such Rent or Charge, with the written Consent of the Owner thereof, in such Manner as the Commissioners deem expedient, and to charge one Part thereof on the Hereditaments conveyed under the former Church Building Acts or under this Act, and the other Part thereof on the Remainder of the Hereditaments charged therewith; and the several Portions of such Rent or Charge so apportioned which may be charged on the Hereditaments so conveyed under the former Church Building Acts or this Act, and the Remainder of the Hereditaments originally charged respectively, shall in all respects, as far as Circumstances will admit, be recoverable from or out of the Hereditaments so conveyed and the Remainder of the Hereditaments originally charged respectively, in the same Manner as the original Rent or Charge was recoverable from or out of such Hereditaments or any Part thereof. Apportionment or Release of Quit-rents, &c. 3 G. 4. c. 72. s. 9. 14 & 15 Vict. c. 97. s. 27.

184. If the Part of the Hereditaments so charged which is not so acquired be, in the Opinion of the Commissioners and of the Body or Person having Power to sell or give the other Part of such Hereditaments, and of the Owner of such Rent or Charge, of ample Value to bear the whole of such Rent or Charge, then such Part of the Hereditaments as may be conveyed to the Commissioners may, with the Consent of the Owner of such Rent or Charge, be conveyed free from such Rent or Charge, and the Remainder of the Hereditaments shall continue liable to the whole thereof, in the same Manner as the whole Entire Rent may be charged upon a Part of the Hereditaments. 14 & 15 Vict. c. 97. s. 27.

whole of the Hereditaments were originally liable, and the Commissioners are hereby authorized to do all Acts necessary for giving full Effect to such Apportionment, Discharge, and Charge.

Rents and Fines may be apportioned. 17 & 18 Vict. c. 32. ss. 1. 8.

185. If any Hereditaments to be acquired for any of the Purposes of this Act are included in a Lease or Underlease with other Hereditaments, the Rent reserved by such Lease or Underlease, and any Fine certain to be paid on any Renewals thereof, may be apportioned between the Hereditaments so to be acquired and the Remainder of the Hereditaments, or may be wholly charged on such Remainder, in exoneration of the Hereditaments so to be acquired.

Parties to such Apportionment. 17 & 18 Vict. c. 32. s. 2.

186. Such Apportionment or Exoneration may be effected by the Parties respectively having Power to assign or convey the Leasehold Interest, and to assign or convey the Reversion expectant on such Leasehold Interest, in the Hereditaments so to be acquired.

Jury may apportion Rent or Fine. 17 & 18 Vict. c. 32. s. 3.

187. In Cases where the Value of the Hereditaments to be acquired is to be ascertained by a Jury the Jury may also apportion any such Rent or Fine as aforesaid.

How Sums of Money secured by way of Insurance, &c., may be apportioned. 17 & 18 Vict. c. 32. s. 5.

188. Sums of Money to be secured by way of Insurance, and all other Sums of Money or other Payments or Services, may be apportioned or exclusively charged in the same Manner and with the same Effects in all respects as are herein provided with reference to the Apportionment or exclusive Charge of Rent.

Apportioned Rent to be recoverable by the same Remedies as the entire Rent. 17 & 18 Vict. c. 32. s. 4.

189. On the acquiring of any Hereditaments included with other Hereditaments in a Lease or Underlease, the Rent, Sums of Money, or other Payment, or Service or apportioned Part thereof, by any such Apportionment or Exoneration expressed to be made payable out of the Hereditaments which shall not be so acquired, and out of the Hereditaments which shall be so acquired respectively, shall be recoverable as regards such Hereditaments respectively by the same Remedies by which, before such Hereditaments were acquired, the Rent, Sum of Money, or other Payment or Service reserved or made payable by the Lease or Underlease was recoverable out of the whole of the Hereditaments therein comprised.

Covenants to be apportioned. 17 & 18 Vict. c. 32. s. 4.

190. The Covenants, Conditions, and Agreements in such Lease or Underlease, so far as regards the Part acquired and the Residue not so acquired respectively of the Hereditaments comprised in such Lease or Underlease, shall continue and subsist with regard to such Part so acquired and such Residue respectively in like Manner as if such

such Part or Residue only had been originally comprised in such Lease or Underlease, but so nevertheless that the Rents to which such Covenants relate shall be deemed to be only the apportioned Rents charged under the Provisions herein-before contained upon such Part or Residue.

Fines for Renewal to be apportioned. 17 & 18 Vict. c. 32. s. 4.

191. In case such Lease or Underlease contain Provisions for Renewal upon Payment of a Fine certain, such Provisions for Renewal shall apply to the Part acquired and the Residue not so acquired respectively of the Hereditaments comprised in such Lease or Underlease, in the same Manner as if such Part or Residue only had been originally comprised in such Lease or Underlease, and the Fine certain to be paid on any Renewal had been the Fine certain which in the Exoneration or Apportionment shall be expressed to be payable in respect of the same Hereditaments.

Contracts for Leases and Underleases, and where no Rent or a nominal Rent only is reserved. 17 & 18 Vict. c. 32. ss. 6, 7, 8.

192. The Provisions of this Act herein-before contained relating to Leases and Underleases shall extend to Contracts for Leases and Underleases as well as to Leases and Underleases, and to all Cases where a Part of the Hereditaments included in any such Lease or Underlease is to be acquired for the Purposes of this Act, although no Apportionment or Exoneration from Rent may take place by reason that no Rent or a Rent only nominal is reserved by such Lease or Underlease.

Purchase Money of Lands sold under 58 G. 3. c. 45., and belonging to an Incumbent in right of his Living, may be applied by the Governors of Queen Anne's Bounty for the Augmentation of Benefice. 8 & 9 Vict. c. 70. ss. 20, 21.

193. Whenever Land belonging to an Incumbent in right of his Church is conveyed by him by way of Sale under this Act the Purchase Money shall be paid to the Governors of Queen Anne's Bounty, and be applied by them for the Benefit and Augmentation of such Benefice, in the same Manner and with the same Powers of Investment in the Purchase of Land, and Exchange for other Land, as if the Money so appropriated had been originally provided or appropriated by the Governors, out of the Funds at their Disposal, for the Benefit and Augmentation of the same Benefice; and the Receipt in Writing of the Treasurer for the Time being of the Governors for such Money shall effectually discharge the Persons paying such Money from all Liability in respect thereof.

Compensation for Waste Ground to whom to be paid. 19 & 20 Vict. c. 104. c. 28.

194. When, upon the Conveyance of any Waste Ground of any Manor, any Compensation shall be payable in respect of any Rights of Common therein, such Compensation shall be paid to and shall be received by the Churchwardens of the respective Parishes wherever such Waste Ground is situate, and be applied for such general Purposes within such Parish as a Vestry to be convened for that Purpose shall direct, and if there be no Vestry then as the Commissioners shall direct.

If Body or Person giving or selling Land be under Disability, Purchase Money, if exceeding 20*l.*, may be paid into the Bank of England or to Trustees. 58 G. 3. c. 45. s. 45. 8 & 9 Vict. c. 70. s. 19.

195. If any Money to be paid for any Land sold and conveyed under this Act by any Body or Person who may be under any Disability or Incapacity shall exceed the Sum of *Twenty Pounds*, the same shall be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, and be placed to the Account of the Body or Person for the Time being entitled to the Rents and Profits of such Land, or of their Guardians, Trustees, or Committees, in case of Infancy or Lunacy, or the same Money shall, at the Option of the Body or Person to whose Account such Money would be so placed (and with the Consent of the Commissioners, in case the same shall exceed *Two hundred Pounds*), be paid to *Three* Trustees, to be nominated by the Body or Person making such Option, and approved of by the Commissioners, such Nomination and Approbation to be signified in Writing.

Application and Investment of such Money. 58 G. 3. c. 45. s. 44.

196. Such Money, if so paid into the Bank of England, shall, by Order of the Court of Chancery, made upon a Petition by the Body or Person who would have been entitled to the Rents and Profits of the Land so sold and conveyed, or if paid to Trustees as aforesaid then shall, at the Discretion of such Trustees, be applied either in the Purchase of the Land Tax, or towards the Discharge of any Debt or other Incumbrance, as such Court or Trustees may direct, affecting the same Lands or other Land settled therewith to the same or like Uses and Trusts, or may be invested in the Purchase of other Land, to be conveyed to and upon such Uses, Trusts, and Purposes as the Land so sold, or such of them as shall be then subsisting and capable of taking effect; and such Money shall in the meantime be invested in the Purchase of Three Pounds per Centum Bank Annuities, and the Dividends thereof shall be paid to the Body or Person who would be entitled to the Rents and Profits of the Land hereby directed to be purchased if such Purchase were made.

Commissioners may make special Directions as to Investment of such Money. 58 G. 3. c. 45. s. 45.

197. When any such Money is paid to Trustees the Commissioners may make such special Provisions for the Investment thereof, and for the Appointment of new Trustees thereof, or otherwise as they think fit.

Application of such Purchase Money if not exceeding 20*l.* 58 G. 3. c. 45. s. 46.

198. If such Money to be paid for such Land so granted and conveyed shall not exceed *Twenty Pounds*, the same shall be applied to the Use of the Body or Person for the Time being entitled to the Rents and Profits of the Land so taken, or in case of the Infancy or Lunacy of any such Person, then the same shall be paid to his Guardian, Trustee, or Committee, for the Benefit of such Person.

199. The

Commissioners may exchange, on receiving Lands. 3 G. 4. c. 72. s. 34. 3 & 4 Vict. c. 60. s. 19.

199. The Commissioners, with the Consent of the Grantor or Devisor of such Land, his Heirs or Successors, (which Consent he and they, notwithstanding any Incapacity or Disability, is and are hereby empowered to give,) may exchange any Land or any Part of any Land granted and conveyed by way of Gift or Devise, under the former Church Building Acts, New Parishes Acts, or this Act, which has not been consecrated, and is not required for the Purposes of this Act, but which remains vested in the Commissioners, for any other Land which may in their Judgment be more eligible for the Purpose for which the same was granted or devised, or may apply such Land or such Part thereof to any other Ecclesiastical Purposes, either as Glebe Land or otherwise, for the Use of the Incumbent of the Parish, District, or Place, or for the Purpose of any Parochial or Charitable School, or any other charitable or public Purpose relating to any such Parish, District, or Place, or may re-convey such Land or any Part thereof to the Grantor or Devisor thereof, his Heirs or Successors, without requiring any Consideration for such Re-conveyance.

Incumbent, &c. may hold Land for Repairs of Church or Chancel.

200. The Incumbent and Churchwardens of any Parish, District, or Place may accept and hold to themselves and their Successors any Land or Property which any Body or Person can by Law give or grant for the Repairs of the Church or Chancel thereof, and any Land or Property so given or granted shall for ever thereafter be vested in the Incumbent and the Churchwardens for the Time being of such Parish, District, or Place, and be by them applied according to the Terms and Conditions of the Gift or Grant.

Trustees may convey Land for the foregoing Purposes.

201. Any Trustees of any Land or Property which may have been given or granted by Will or Deed for any of the herein-before mentioned Purposes exclusively relating to any Parish, District, or Place, may, by an Instrument in Writing, transfer such Land or Property to the Incumbent and Churchwardens of such Parish, District, or Place, and their Successors, and such Instrument of Transfer shall effectually vest all the Estate and Interest of such Trustees in such Land or Property in the Incumbent and Churchwardens for the Time being of such Parish, District, or Place, subject to the Trusts and Conditions contained in such Will, Deed, or Instrument of Transfer.

Reconveyance of Land conveyed to Commissioners for the Site of a Church on Failure to build

202. If no Church shall have been built upon any Land conveyed or devised to the Commissioners for the Site of a Church within *Seven Years* from the Date of such Conveyance or Devise, the Body or Person who would have been at the Expiration of such Period entitled to the Land in case the same had not been so conveyed or devised shall be entitled to claim from the Commissioners the

such Church within Seven Years from Date of Conveyance.

Re-conveyance to them or him of such Land, released from the Obligation of building such Church, but subject to the same Uses, Trusts, and Limitations (if any) to which it would have been subject if it had not been so conveyed or devised; and if such Land was originally conveyed to the Commissioners, then upon the same Terms upon which the same was so conveyed.

Commissioners empowered to resell Lands not wanted for this Act. 58 G. 3. c. 45. s. 51.

203. The Commissioners may, by Instrument under their Common Seal, grant and convey by way of absolute Sale, for a Consideration in Money, any Land or any Part of any Land granted or conveyed by way of Sale under the former Church Building Acts, the former New Parishes Acts, or this Act, which has not been consecrated, and remains vested in the Commissioners, and apply the Proceeds thereof to the Purposes of this Act.

First Offer of Resale to be made to the Persons of whom the Lands were bought. 58 G. 3. c. 45. s. 51.

204. The Commissioners shall, before making any such Sale, first offer to convey such Land or such Part thereof to the Body or Person who would have been then entitled to the Land in case the same had not been purchased by the Commissioners, upon the same Terms for which the same was originally granted and conveyed to the said Commissioners.

Where such Persons refuse to purchase, or cannot be found, &c. 58 G. 3. c. 45. s. 51.

205. If such Body or Person refuse, or do not, within *Six Weeks* after such Offer, signify their or his Desire to the Commissioners to purchase such Land or such Part thereof, or if they or he cannot after Inquiry be ascertained or found, a Declaration in Writing made by some indifferent Person before a Master Extraordinary of the High Court of Chancery, or before a Sheriff or a Justice of the Peace for the County where such Land is situate, stating from personal Knowledge that such Offer was made by or on behalf of the Commissioners, and that such Body or Person refused to purchase such Land, or did not accept such Offer within *Six Weeks* from the Time when the same was made, or that the Body or Person entitled to the Right of Pre-emption could not after Inquiry be ascertained or found, shall in all Courts be sufficient Evidence of the Facts therein stated.

Exchanges, Conveyances, &c. to be by Deed. 58 G. 3. c. 45. s. 51.

206. All such Exchanges or Conveyances by the Commissioners shall be valid; and the Receipt by One of the Joint Treasurers of he Commissioners shall be a sufficient Discharge for any Purchase Money for which any such Land not so required is sold.

"The Lands Clauses Consolidation Act, 1845,"

207. For the Purpose of facilitating Purchases by the Commissioners, "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act "with respect to the Purchase and taking of Lands

Lands otherwise than by Agreement," shall be incorporated with this Act; and in the Construction of this Act and of the said incorporated Act this Act shall be deemed to be the Special Act; and the Expression "the Promoters of the Undertaking," where used in the said Lands Clauses Consolidation Act, shall mean "The Ecclesiastical Commissioners for England."

partly incorporated, and extended to Exchange.

PART XI.

Apportionment and Surrender of Endowments.

208. The Commissioners may, with the Consent of the Bishop, the Patron, and Incumbent of the Church of any Parish, apportion any Sum arising from a permanent Endowment belonging to such Church, and applicable to the Repair and Maintenance thereof, to the Repair or Maintenance of any Church situated within the original Limits of such Parish.

Commissioners may apportion Endowment. 19 & 20 Vict. c. 104. s. 31.

209. In Cases where any Parish shall have been or shall hereafter be divided into Two or more distinct and separate Parishes, or where any District or new Parish shall have been or shall be constituted or formed out of any Parish, District, or Place, it shall be lawful, by a Representation of the Commissioners and an Order in Council ratifying the same, and with the Consent of each of the respective Patrons and Incumbents of such distinct and separate Parishes, or of such Parish, District, or Place, as the Case may be, to make a Partition and Division of the Glebe Lands, Tithes, Rentcharges, and other Endowments belonging to such distinct and separate Parishes, or to such Parish, District, or Place, and to annex and resettle the same or any Part thereof to and for the Benefit of such distinct and separate Parishes, or of such Parish, District, or Place, and the District or new Parish constituted or taken thereout, in such Manner and Proportions as may be determined by such Order in Council.

Resettlement of Endowments in divided Parishes. 19 & 20 Vict. c. 104. s. 26.

210. The Powers given by the Acts of the Session holden in the First and Second Years of King William the Fourth, Chapter Forty-five, and the Session of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-four, to Rectors and Vicars, for the Augmentation of Chapels of Ease, Parochial Chapels, District Churches or Chapels, and any Chapels having Districts assigned thereto, shall be held to authorize the Incumbent of any Parish, District, or Place to make such Augmentation as therein is mentioned in favour of any Parish, District, or Place wholly or in part formed

Incumbents of original Parishes may augment Parishes, &c. formed thereout.

formed out of such first-mentioned Parish, District, or Place, or in favour of the Incumbent thereof; provided that the Exercise of such Powers shall be subject to the like Consents (to be signified in the same Manner) as is required by such Act.

Incumbents of new Parishes, &c. may enforce Payment of Tithes, Revenues, &c.

211. The Incumbent for the Time being of the Parish, District, or Place in favour of which such Augmentation shall be made shall have the same Remedies for enforcing Payment of any Tithes or Revenues annexed, or any annual Sum of Money granted or charged under this Act, as is provided by the Acts lastly herein-before mentioned with respect to Augmentations made thereunder; and all Rates and Charges payable in respect of such Augmentation shall be borne by such Incumbent.

Apportioned Part of Endowments and Charges attached to any distinct and separate Parish to belong to the Incumbent.

212. An Apportionment of the Glebe Lands, Tithes, and other Endowments or Emoluments of any Parish, District, or Place may at any Time, with the Consent of the Bishop and of any Patron whose Interest is affected thereby, be made by a Representation of the Commissioners, and an Order of Her Majesty in Council, in favour of any new Parish or District Chapelry formed wholly or in part out of such Parish, District, or Place, whether any such Glebe Lands, Tithes, Endowments, or Emoluments are locally situate or arise or accrue within the new Parish or District Chapelry or not, and the Glebe Land, Tithes, Endowments, or Emoluments so apportioned in favour of the new Parish or District Chapelry shall belong to and be recoverable by the Incumbent thereof, in like Manner in every respect as they were before recoverable by the Incumbent of the original Parish, District, or Place out of which such new Parish or District Chapelry was formed; and the Incumbent of such new Parish or District Chapelry shall be subject to all Rates and other Charges to which the Incumbent of such original Parish, District, or Place would have been liable in respect thereof.

Time when Order in Council for Formation of a new Parish is to take effect.

213. The Order in Council for such Apportionment shall not take effect, so far as relates to such Apportionment, until the Avoidance of the Church of the Parish, District, or Place out of which such new Parish or District Chapelry is formed which shall next happen after the making of such Order, unless with the Consent in Writing of the Incumbent of such Church (which Consent may be given either before or after the Date of such Order), or unless such Order in Council be made, and the Consent of the Patron to the Representation of the Commissioners for such Apportionment be given, during any Avoidance of such Church, in which last-mentioned Case such Order in Council shall take effect from and after the making thereof.

214. If

When divided Parish becomes a Rectory. 19 & 20 Vict. c. 104. s. 26.

214. If upon or after any such Resettlement of Endowments, the whole of the Ecclesiastical Dues arising within the Limits of any Parish, District, or Place, consisting of any Prædial or Rectorial Tithe, shall become and be made payable to the Incumbent of such Parish, District, or Place, such Parish, District, or Place shall thereupon become and be a Rectory, and such Incumbent the Rector thereof.

Endowed Charities may be apportioned on the Formation of new Parishes or Districts. (Vide 18 & 19 Vict. c. 124. ss. 10–13.)

215. Where any new Parish or Ecclesiastical District has or shall have been formed either wholly or partly out of any Parish, District, or Place entitled to the Benefit of any endowed Charity, not being an Endowment applicable to the Repair or Maintenance of a Church, the Board of Charity Commissioners for England and Wales may by their Order apportion between such new Parish or Ecclesiastical District, or [*as the Case may require*] between any Portion thereof taken from the Parish, District, or Place entitled as aforesaid, and the Remainder of the same Parish, District, or Place, all or any Part of the Endowments or Income of such Charity, if the same shall in their Judgment be properly apportionable, and in such Manner as upon Consideration of the Purposes of the Charity the comparative Numbers of the Populations between whom the Apportionment shall be made or other Circumstances they shall think fit, and they may appoint separate Trustees of any Part or Parts of the Endowment or Income of any such apportioned Charity, for the Management and Application thereof according to such Apportionment; the said Board may also determine what Costs, if any, incidental to any such Apportionment, shall be paid from all or any Part of the Endowments or Income of the Charity the Subject thereof, and to what Parties, and may empower and direct the Trustees to raise and pay the same Costs accordingly out of the Property or Funds charged therewith; and all Orders made by the said Board under the foregoing Enactments shall be enforceable by the same Means by which any other their Orders may be legally enforced.

Notices to be given of Orders of Apportionment.

216. The said Board, before making any Apportionment or Appointment under the foregoing Enactments, shall give such public Notice of their Intention to make the same as is required to be given by them of their intended Establishment of any Scheme or Appointment of any Trustees under their general Powers, and they shall in like Manner receive and consider all Objections to the proposed Order, and all Suggestions for the Variation thereof, which shall be made or transmitted to them within a proper Period to be prescribed by such Notice.

Orders of Apportionment in certain Cases to be subject to Appeal.

217. Any Order which shall be made by the said Board under the foregoing Enactments for the Apportionment of any Charity of which the gross annual Income shall exceed *Fifty* Pounds shall be subject to appeal by Petition to be presented to the High Court of Chancery by Her Majesty's Attorney General within *Four* Calendar Months next after the Date of such Order, and not otherwise.

How the apportioned Debts and Charges are to be raised and paid. 8 & 9 Vict. c. 70. s. 22.

218. Debts or Charges due or belonging to any Charity which shall be so apportioned shall be raised and paid by the Parish, District, or Place to which they may be apportioned, in the like Manner as the Entirety was to be raised and paid, or in such Manner and under such Conditions as the said Board shall direct.

Partitions, &c. to be registered in the Registry of the Diocese. 8 & 9 Vict. c. 70. s. 22.

219. All Partitions, Augmentations, and Apportionments of Endowments and of Charitable Gifts, Debts, and Charges made under this Act shall be registered in the Registry of the Diocese in which any Parish, District, or Place to which they relate is locally situate, and Copies thereof shall be deposited with the Churchwardens of each such Parish, District, or Place.

PART XII.

Pews, Pew Rents, and Free Seats.

Accommodation to be provided for Persons resorting to Church, &c. 43 G. 3. c. 108.

220. In every Parochial Church or Chapel hereafter to be erected ample Provision shall be made for the decent and suitable Accommodation of all Persons, of what Rank or Degree soever, who may be entitled to resort to the same, and whose Circumstances may render them unable to pay for such Accommodation.

Churches built wholly or in part by the Commissioners to be in part arranged in Pews and Residue in Free Seats. 58 G. 3. c. 45. ss. 62. 63. 78. 59 G. 3. c. 134. ss. 26. 31. 6 & 7 Vict. c. 37. s. 24. 8 & 9 Vict. c. 70. s. 11.

221. Every Church which shall have been built, acquired, or appropriated under the former Church Building Acts or this Act shall, in such Manner as the Commissioners, with the written Consent of the Bishop, and in the Case of a Church the Patronage whereof has been declared under the former Church Building Acts with the Consent of the Patrons thereof, may from Time to Time direct, be arranged in Pews and Seats: Subject to the Provisions hereinbefore contained, such Part of such Pews and Seats as the Commissioners may, with the like Consent, from Time to Time think expedient, may be let for any Term not exceeding *One Year*, and the Commissioners may make such Order as they may deem expedient as to the Amount of Rent to be reserved for each such Pew and Seat, and such Part of such Pews and Seats as shall not be ordered to be let shall remain and be assigned for Free Seats, to be used by the Parishioners or Inhabitants of the Parish, District, or Place

Place in which any such Church shall be situate: Provided, that the whole Amount of Space heretofore at any Time assigned for Free Seats in any such Church shall not in any Case be diminished, and that no Pews shall be let unless it appear to the Commissioners that sufficient Funds cannot be provided from other Sources for the Purposes for which such Pew Rents when received under this Act would be applicable.

Commissioners, with certain Consents, may fix Pew Rents for that Part of a Church which has been rebuilt or enlarged. 59 G. 3. c. 45. s. 59. 59 G. 3. c. 134. s. 40. 19 & 20 Vict. c. 104. s. 6.

222. The Commissioners, with the written Consent of the Bishop and of the Patron and the Incumbent of any Church rebuilt or enlarged, or in which the Accommodation may be otherwise extended under this Act, may fix a Scale of Rents for such of the additional Pews and Sittings in such Church as they may think fit, and may from Time to Time, with the like Consents, vary the same; provided that in the Case of any Parish Church One Half Part at least of the additional Accommodation so obtained, and in the Case of any other Church One Third Part at least thereof, shall be set apart for Free Seats.

No Alteration of Scale of Pew Rents, &c. without Consent.

223. After a Church shall have been built, and the Pews and Seats shall have been disposed of and let on a certain Scale, no Alteration of such Scale shall take place without the Consent of the Churchwardens for the Time being, or in case of there being no Churchwardens, then of the Body or Persons having the Patronage of the said Church.

Saving of Rights by Faculty or Prescription.

224. Nothing herein contained shall affect the Rights of Persons holding Pews by Faculty or Prescription.

Pews to be provided for Minister, &c. 58 G. 3. c. 45. s. 75.

225. Where the Commissioners fix a Scale of Pew Rents in any Church, they shall allot a Pew or Seats sufficient to hold Six Persons at least, and the same shall be set apart in the Body or Ground Floor of such Church, and near to the Pulpit, for the Use of the Minister thereof, and other Seats in some convenient Part of such Church, capable of containing not less than Four Persons, for the Use of the Minister's Servants, and for such Pew and Seats no Rent shall be charged.

Seat for Churchwardens. 59 G. 3. c. 134. s. 30.

226. A proper Pew or Seats shall be likewise assigned and provided in every such Church for the exclusive and official Use of the Churchwardens.

Commissioners may, with Consent of Owners, transfer Pew Rights from existing

227. The Right of any Body or Person belonging to or residing in any Parish, District, or Place in which the Commissioners shall have built or aided in building any new Church, or in which any Church has been built, acquired, or appropriated, under the former

Churches to new Churches, for the Purpose of making Free Seats. 3 G. 4. c. 72. s. 23.

Church Building Acts or this Act, to any Pew or Seats in any existing Church, may, with their or his Consent, be transferred by the Commissioners by an Instrument under their Common Seal to such new Church, or to the Church so built, acquired, or appropriated, for the Purpose of creating Free Seats, or increasing the Number of Free Seats in the Church from which such Rights are transferred.

Rights to be preserved on the Transfer of Pews. 3 G. 4. c. 72. s. 23.

228. The Body or Person from whom any Pew has been taken for such Purpose, and to whom any Pew in lieu of their or his former Pew has been assigned in any other Church, shall have the same Right and Title to the Pew so assigned as they or he possessed in their or his former Pew, without any Faculty, Instrument, or other Process than such Assignment.

Assignment of Pews to be registered in the Registry of the Diocese. 3 G. 4. c. 72. s. 23.

229. Every such Assignment shall be registered in the Registry of the Diocese in which the Church from which such Right to any Pew is so transferred is situate, and a Duplicate thereof shall be deposited in the Chest of the Church, the Pew in which is so assigned.

Pews to be let to the Inhabitants of the Parish, District, or Place. 59 G. 3. c. 134. s. 32. 3 G. 4. c. 72. s. 24.

230. The Churchwardens of any Church for which a Scale of Pew Rents shall have been fixed under the former Church Building Acts or this Act shall not let any Pews and Seats except to Inhabitants of the Parish, District, or Place in which such Church is situate, during the Time they continue such Inhabitants, except as herein-after provided.

Notice to be given by Churchwardens of vacant Seats. 3 G. 4. c. 72. s. 24.

231. Notice shall be given by such Churchwardens for *Six* successive Weeks at the End of each Year of all the Pews which are vacant or will become vacant at the Commencement of the next Year, and of the Rent at which the same will be let, by affixing such Notice in Writing on the Doors of the Church and the Vestry Room thereof respectively.

Where Pews may be let to Persons who are not Inhabitants. 3 G. 4. c. 72. s. 24.

232. All such Pews and Seats as are not taken within *Fourteen Days* after the Commencement of the ensuing Year at the Rents respectively fixed thereon may be let to any Inhabitant of any adjoining Parish, District, or Place at the Rent respectively so affixed upon such Pews, for any Term not exceeding the current Year; and at the Expiration of the Year, and also of every succeeding Year in which any such Pews are rented by Inhabitants of any adjoining Parish, District, or Place, such Pews shall be inserted in the List of vacant Pews, and if not taken by any Inhabitant of the Parish, District, or Place to which the Church belongs, may again be let for any Term not exceeding the current Year, and so on from Year to Year, to any Inhabitants of any adjoining Parish, District, or Place.

233. Parish-

Choice of Pews by Subscribers. 58 G. 3. c. 45. s. 76. 1 & 2 W. 4. c. 38. s. 21.

233. Parishioners subscribing towards the Site or the building of any Church which shall have been or shall be built, acquired, or appropriated under the former Church Building Acts or this Act, shall have the Choice of Pews at the Rates fixed by the Commissioners in the Order of the Amount of their respective Subscriptions, and Subscribers of the same Amount according to the Priority of their respective Subscriptions.

Table of Scale of Pew Rents to be deposited in the Church. 58 G. 3. c. 45. ss. 63. 78. 8 & 9 Vict. c. 70. s. 11.

234. Whenever a Scale of Rents is fixed by the Commissioners for Pews and Seats in any Church, the same shall be stated in a Table, under their Common Seal; and every such Table shall be deposited with the Deed of Consecration of the Church, and a Copy of such Table shall be hung up in the Vestry Room of the Church.

If Rent be in arrear Pews may be sold or let. 58 G. 3. c. 45. ss. 77. 79. 59 G. 3. c. 134. s. 32.

235. Where Pews or Seats are let by the Year the Rent thereof shall be paid every *Six* Months in advance, but where the Term of letting is less than *Twelve* Months, the entire Rent shall be paid in advance; and if the Rent of any Pew or Seat shall be in arrear, then, after Notice in Writing demanding Payment thereof shall have been given to the Renter of such Pew or Seat, the Churchwardens may enter upon and hold such Pew or Seat, or let the same to any Person, as they may think fit, until the Rent so in arrear is satisfied, and any Money to be received by them therefrom during the Continuance of such Arrear shall be applied in or for the Satisfaction of such Rent in arrear, and of all Costs and Charges occasioned by the Non-payment or in the Recovery thereof.

Recovery of Arrears of Pew Rents. 58 G. 3. c. 45. s. 79.

236. All such Rent, Costs, and Charges, or any Balance thereof remaining unsatisfied, may also be recovered by such Churchwardens in any Court of competent Jurisdiction from the Renter of the Pew or Seat, in the Name of the "Churchwardens of the Church" [describing the Church], without stating the Christian or Surnames of such Churchwardens; and no Proceeding for the Recovery of such Rent, Costs, and Charges shall abate by reason of the Death, Removal, or going out of Office of any Churchwarden.

Commissioners may discharge Subscribers from Payment of Pew Rents in proportion to their Subscription, and allow them to assign. 59 G. 3. c. 134. s. 33. 1 & 2 W. 4. c. 38. s. 21.

237. The Commissioners, under their Common Seal, may discharge any Person giving a Site for or subscribing towards building or providing a Site for any Church, for which the Commissioners are authorized to fix a Scale of Pew Rents, from the Payment, wholly or in part, of Pew Rents in such Church, for a limited Time or for Life, in proportion to the Amount of his Subscription or the Value of the Gift, as the Commissioners deem fit, and may allow any such Subscriber or Donor, if he reside in the Parish, District, or Place in which such Church is situate, to assign, upon his Removal therefrom,

therefrom, his Interest in such Pew or Seat to any other Inhabitant of such Parish, District, or Place.

Disposal of Pews or Seats so exempted from Rent. 14 & 15 Vict. c. 97. s. 1.

238. Any Pews or Seats which shall be or become exempted from Rent under the Provisions of this Act shall thenceforth be at the Disposal of the Churchwardens of such Church in like Manner as the Pews or Seats of an ancient Parish Church, but the Pew Rents then due and payable shall nevertheless be payable and recoverable in the same Manner as if such Order had not been made.

Commissioners may assign Stipend to the Minister and Salary to the Clerk out of the Pew Rents. 58 G. 3. c. 45. ss. 21. 63. 64. 59 G. 3. c. 134. s. 26. 8 & 9 Vict. c. 70. s. 11.

239. The Produce of the Pew Rents of every Church for which a Scale of Pew Rents shall have been fixed under the former Church Building Acts or this Act shall form a Fund out of which the Commissioners, with the Consent of the Bishop, may assign as a proper Stipend to the Incumbent serving any such Church either a fixed annual Sum or a certain Proportion of such Pew Rents, and a Salary to the Clerk; and if the Commissioners and Bishop do not agree as to the Amount of any such Stipend or Salary, such Amount shall be settled by the Archbishop of the Province.

Where no Appropriation of surplus Pew Rents has been made. 58 G. 3. c. 45. ss. 21. 64. 59 G. 3. c. 134. s. 28. 3 & 4 Vict. c. 60. s. 5. 19 & 20 Vict. c. 104. s. 6.

240. Subject to the Repayment of any Money which may have been or shall be borrowed by way of Loan, Annuity, or otherwise on the Security of the Pew Rents, the Commissioners may, if they deem fit, from Time to Time assign a Part or the whole of the surplus Pew Rents of such Church, accrued or hereafter to accrue, for the Use and Benefit of such Incumbent.

Assignment of Stipend to Minister to be registered. 3 & 4 Vict. c. 60. s. 5.

241. Every such Assignment shall be registered in the Registry of the Diocese.

The Churchwardens to receive Pew Rents. 59 G. 3. c. 134. s. 26.

242. The Pew Rents in any Church for which a Scale of Pew Rents may have been fixed shall, unless otherwise directed by this Act, be received by the Churchwardens, who shall pay thereout the Stipend from Time to Time assigned to the Incumbent and Clerk thereof.

Stipend and Salary fixed by the Commissioners to be paid to Ministers and Clerks quarterly.

243. The Stipend or Salary assigned or to be assigned by the Commissioners, under the Provisions of the former Church Building Acts, or the former New Parishes Act, or this Act, to the Minister and Clerk of any Church the Pew Rents of which have been already or may be hereafter fixed by the Commissioners, shall be paid to such Minister and Clerk respectively, according to the Terms of such Assignment; and the Churchwardens shall, after deducting and paying out of the Pew Rents the actual Expenses of collecting and recovering

recovering the same, pay such Stipend and Salary quarterly, so far as the Amount of the Pew Rents received by them will enable them so to do; and in case of a Deficiency occurring in any Year, such Deficiency may be made up out of any future Pew Rents to be received during the same Incumbency.

Surplus Pew Rents may be applied in Purchase of Parsonage House, &c., and Augmentation of Stipend. 59 G. 3. c. 134. s. 26.

244. Any Surplus of such Pew Rents remaining after Payment of the Stipend of the Incumbent and other Expenses herein-before mentioned, whether such Surplus shall have already accrued or shall hereafter accrue, may, except in any of the Cases next herein-after mentioned, be invested in Government Securities in the Names of such Trustees, and with such Provision for the Appointment of new Trustees as the Commissioners with the Consent of the Bishop may direct, and be suffered to accumulate for building or purchasing a House of Residence, with the Consent and Approbation of the Bishop, for the Incumbent for the Time being of such Church; and the Churchwardens, after Notice given to them by the Bishop that a sufficient Sum for such House of Residence has been provided, shall pay over from Time to Time such surplus Pew Rents to the Incumbent for the Time being of such Church, in augmentation of his Stipend, or shall apply the same to the Increase of the Accommodation in such Church as the Commissioners, with the Consent of the Bishop, may direct.

Surplus of Pew Rents, after Payment of Stipend, &c., may be applied to the Repayments of Money borrowed. 59 G. 3. c. 134. s. 27.

245. The Commissioners, with the Consent of the Bishop, may direct that the surplus Pew Rents of any Church for which a Scale of Pew Rents shall have been fixed under the former Church Building Acts or this Act, which shall remain after Payment of such Stipend and other Expenses, shall be applied from Time to Time towards the Repayment of any Money which may be borrowed by way of Loan at Interest, or by way of Annuity or otherwise, for or towards the building any such Church, the Purchase of any Site for the same, the defraying of all Expenses relative thereto, or the Performance of Divine Service in such Church, and keeping such Church in repair.

Churchwardens may borrow Money on Credit of surplus Pew Rents. 59 G. 3. c. 134. s. 27. 3 & 4 Vict. c. 60. s. 5.

246. The Churchwardens of any such Church (with the Consent of the Commissioners) may borrow at Interest, or by way of Annuity or otherwise, upon the Credit of the Pew Rents, any Sum of Money for or towards the Payment of the Charges and Expenses of or relating to the building of such Church, or purchasing such Site, or keeping such Church in repair, and by Writing under their Hands may charge such Pew Rents, subject to such Stipends and Expenses, with the Payment of the Money so borrowed, and

Interest thereon, or with the Payment of such Annuity, as such Churchwardens, with such Consent, may think fit.

PART XIII.

Offices and Officers of the Church, and Fees.

Laws and Customs relating to the Officers of the Church, &c. to apply to all District Churches and new Parishes. 58 G. 3. c. 45. ss. 27. 28. 59 G. 3. c. 134. s. 17. 3 G. 4. c. 72. ss. 17. 18. 1 & 2 W. 4. c. 38. s. 14. 6 & 7 Vict. c. 37. s. 15. 7 & 8 Vict. c. 56. s. 1.

247. The Laws and Customs relating to the Performance of the Offices of the Church, and to the suing for and recovering of Fees, Dues, Offerings, and Emoluments in respect thereof, and to the registering of Baptisms, Marriages, and Burials, and to the Fees in respect of such Registration, shall apply to every new Parish, Chapelry, or other Ecclesiastical District formed under the Provisions of the former Church Building Acts, the former New Parishes Acts, or this Act, in the respective Churches of which such Offices respectively can be performed, and to the Spiritual Persons having the Cure of Souls therein, or serving such Churches, in like Manner as if the same were by Law ancient separate and distinct Parishes and Parish Churches.

No Fee to be received for Baptism. 6 & 7 Vict. c. 37. s. 15.

248. No Spiritual Person shall be entitled to or receive any Fee for the Ministration of Baptism, or for the Registration thereof.

When Marriages can be solemnized in a Church the Bishop of the Diocese to certify the same. 58 G. 3. c. 45. s. 29. 3 G. 4. c. 72. s. 19. 7 & 8 Vict. c. 56. s. 2.

249. Whenever Banns of Marriage may, under this Act, be published and Marriages solemnized in any Church, the Bishop of the Diocese within which such Church is situate shall certify the same, and such Certificate shall be kept in the Chest of the Church with the Books of Registry thereof, and a Copy thereof shall be entered in the Books of Registry of Banns and Marriages, and a Duplicate of such Certificate shall be registered in the Registry of the Diocese, and such Certificate shall in all Questions relating to any Banns published or Marriages solemnized in any such Church be received as conclusive Evidence in all Courts, and that the same might, according to Law, respectively be published and solemnized in such Church: Provided, that no Banns or Marriages respectively published or solemnized according to Law in any Church in which the same are by this Act authorized to be respectively published and solemnized shall be illegal or voidable by reason of any such Certificate not having been duly given, registered, or entered, as herein-before required.

Marriages not to be invalid for Want of such Certificate, if solemnized in the Churches authorized by this Act.

Commissioners may authorize Performance of the Of-

250. Upon Application of the Incumbent of any Church to which a District shall belong the Commissioners may, with the written Consent of the Bishop, make an Order, under their Common Seal, authorizing

authorizing the Performance therein of the Offices of the Church or any of such Offices; and all the accustomed Fees arising within the Limits of such District shall be payable and be paid to the Incumbent of such Church.

fices of the Church in Church of any District. 19 & 20 Vict. c. 104. s. 11.

251. Where all or any Part of the accustomed Fees arising within the Limits of any District, or payable in respect of Marriages, Churchings, and Burials, in the Church thereof shall have been reserved, or, if such last-mentioned Order had not been made, would belong to the Incumbent of the original Parish, District, or Place out of which such District shall have been taken, or to the Clerk thereof, an Account of such Fees shall be kept by the Incumbent and Clerk of the Church of such District, who are hereby respectively required to receive and every *Three* Months pay over the same to the Incumbent and Clerk respectively who would have been entitled to them in case such District had not been formed.

Reserved Fees to belong to Incumbent of Mother Church until First Avoidance or Relinquishment, then to Incumbent of District. 19 & 20 Vict. c. 104. s. 12.

252. From and after the next Avoidance of the Incumbency of the original Parish, District, or Place, or the Relinquishment of such Fees by the Incumbent thereof, and with respect to such Clerk after his Office shall become vacant, or after a Compensation in lieu of Fees has been awarded to him by the Bishop, which he is hereby empowered to do, such Reservations shall respectively cease; and all such Fees and Dues shall respectively belong to the Incumbent of the District within which the same shall arise, or to the Clerk of the Church thereof, as the Case may be.

When Fees to Incumbent and Clerk of original Parish shall cease. 19 & 20 Vict. c. 104. s. 12.

253. Except when otherwise especially provided, the Commissioners may from Time to Time, with the Consent of the Bishop and of the Vestry or Persons exercising the Powers of Vestry, if there be any such Vestry or Persons, in any Parish, District, or Place, make, fix, and alter a Table of Fees for such Parish, District, or Place.

Commissioners, with the Consent of the Bishop, &c., may fix Table of Fees for any Parish. 59 G. 3. c. 134. ss. 6. 11.

254. Tables of Fees made under this Act shall be registered in the Registry of the Diocese, and a Copy thereof shall be hung up in the Vestry.

Table of Fees to be registered.

255. All Fees so fixed or altered may be received, sued for, and recovered by the Spiritual Person or Clerk or Sexton to whom the same shall be payable in like Manner as if the same were ancient legal Fees of a like Nature.

Fees may be sued for. 59 G. 3. c. 134. s. 11.

256. The Churchwardens of the Church of every new Parish, and of every Church the Patronage whereof has been vested in the

Churchwardens to preserve

Order, collect Pew Rents, &c. 58 G. 3. c. 45. s. 73. 1 & 2 W. 4. c. 38. s. 16. 8 & 9 Vict. c. 70. ss. 6, 7.

Body or Person building and endowing the same or in their Nominees or Nominee, and of every Church without a District, of the Site of which the Commissioners shall have accepted a Conveyance, shall be admitted to their Office, and shall, in addition to any particular Duties prescribed under this Act, execute all Things pertaining to the Office of Churchwarden, concerning the Repairs of the Church, the Management, good Order, and Decency of Behaviour to be kept and observed in the Church of which they are the Churchwardens by the Congregation thereof.

Churchwardens to continue in Office until their Successors are appointed. 8 & 9 Vict. c. 70. s. 6.

257. The Persons appointed or chosen Churchwardens under this Act shall continue in their Office until others shall be appointed and admitted in their Stead.

Limitation of the Duties of Churchwardens in certain Cases. 8 & 9 Vict. c. 70. s. 8.

258. Such Churchwardens shall not be Churchwardens for any other Duties than those prescribed for them under this Act, but all other legal Duties appertaining to the Office of Churchwardens, with respect to such Parishes, Chapelries, Districts, and Churches, shall be discharged by the Churchwardens who would have discharged the same if this Act had not been passed.

Churchwardens not to be Overseers of the Poor. 8 & 9 Vict. c. 70. s. 8.

259. Churchwardens appointed and admitted under this Act shall not be in consequence of such Office Overseers of the Poor.

Appointment of Clerk. 59 G. 3. c. 134. s. 29.

260. The Clerk, if any, of every Church which shall have been or shall be built, acquired, or appropriated under the former Church Building Acts or this Act, shall be appointed by the Minister for the Time being of such Church, and may be at any Time removed at the Will of such Minister.

Reservation of Fees to existing Clerk and Sexton. 19 & 20 Vict. c. 104. s. 12. 1 & 2 W. 4. c. 38. s. 14. 7 & 8 Vict. c. 56. s. 2.

261. So long as the Persons who at the Time of the Formation of any new Parish or Chapelry were Clerk and Sexton respectively of the original Parish, District, or Place out of which such Parish or Chapelry was formed, continue to hold their respective Offices, such Fees, Dues, and Emoluments as they would have been entitled to if such new Parish or Chapelry had not been formed shall, unless such Clerk and Sexton have relinquished the same, be accounted for and paid over to them respectively by the Clerk and Sexton of such new Parish or Chapelry respectively; but after the Clerk or Sexton of the original Parish, District, or Place respectively shall cease to hold their Offices such Fees, Dues, and Emoluments shall belong to the Clerk and Sexton of such new Parish or Chapelry respectively.

PART

PART XIV.

Burials, Churchyards, and Chapels for Performance of the Burial Service.

For Purposes of Burial Acts, every new Parish to be an Ecclesiastical District. 19 & 20 Vict. c. 104. s. 32.

262. For the Purposes of the Acts concerning or regulating the Burial of the Dead, every new Parish shall, subject to the Provisions of an Act passed in the Twentieth and Twenty-first Years of Her present Majesty, Chapter Eighty-one, be held to be an Ecclesiastical District within the Meaning of the said Acts.

Until a Burial Ground is provided for a distinct and separate Parish, &c. Inhabitants may be buried in the original Parish. 7 & 8 G. 4. c. 72. s. 2.

263. Until there be a Burial Ground belonging to any Parish or District, then the Bodies of Persons dying within such Parish or District shall or may (unless Burials shall have been discontinued therein) be interred in the Burial Ground belonging to the original Parish, District, or Place.

No Opening to be made in any Church for Burials or Graves made in any Churchyard at a less Distance than 9 Feet from the Church. Not to prevent Burials in Vaults. 58 G. 3. c. 45. s. 80.

264. No Body or Person shall, for the Purposes of Burial, break up the Pavement or open the Soil beneath such Pavement, within any Church erected under the former Church Building Acts, the former New Parishes Acts, or this Act, or make any Grave in any adjacent Cemetery or Churchyard thereto, at any less Distance than Nine Feet from the external Walls of such Church; but nothing herein contained shall prevent the Burial of Dead Bodies in any Vault wholly arched with Brick or Stone, which may have been constructed for such Purposes under any Church, and to which the only Access is by Steps on the Outside of the external Walls thereof.

If any Burial take place or any Grave be made otherwise than is herein provided, forfeit the Sum of 50*l.* 58 G. 3. c. 45. s. 80.

265. If any Burial take place, or any Grave be made, otherwise than is herein provided, the Person making, ordering, or causing the same to be made shall for every such Offence, on summary Conviction thereof before Two Justices of the Peace, forfeit and pay the Sum of *Fifty Pounds;* and in default of Payment thereof the same shall and may be levied and recovered by Warrant under the Hands and Seals of such Justices, by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to the Owner thereof, of which Penalty *One Moiety* shall be given to the Informer, and the *other Moiety* to the Use of the Poor of the Parish.

Commissioners may alter Fences of Churchyards, and turn Footpaths, &c. 59 G. 3. c. 134. s. 39.

266. The Commissioners may alter, repair, pull down, and rebuild the Walls or Fences of any existing Churchyard or Burial Ground of any Parish, District, or Place, and fence off with Walls or otherwise any additional or new Burial Ground to be set out or provided under this Act, and may also stop up, discontinue, alter, or vary any Entrance or Gate leading into any Churchyard or Burial Ground,

and the Paths, Footways, and Passages into, through, or over the same, provided the same be done with the Consent of any Two Justices of the Peace of the County, City, Town, or Place where any such Entrance, Gate, Footway, Path, or Passage so to be stopped or altered is situate, and on Notice being given as prescribed by an Act passed in the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Fifty, intituled "An Act to consolidate "and amend the Laws relating to Highways in that Part of Great "Britain called England."

Commissioners may direct that One Chapel shall be used by different Parishes, Districts, or Places for which Burial Grounds contiguous to each other shall have been provided. 9 & 10 Vict. c. 68. s. 1.

267. Where any Land purchased or obtained for a new or additional Burial Ground for any Two or more Parishes, Districts, or Places is conveyed to the Commissioners or to such Body or Person as they may direct, the Commissioners may order and direct in such Conveyance, or by any Instrument under their Common Seal, that any Chapel which at the Time of such Order and Direction has been or may be thereafter erected on any Portion of such Land for the Performance of the Burial Service therein, and any Lodge or other Building which at the Time of such Order and Direction has been erected or may thereafter be erected on any Part of such Land, and also any Access or Approach to and from such Chapel, Lodge, or other Building, shall be for the Use of all and each of such Parishes Districts, or Places.

Ministers of each Parish may use the Chapel. Same Fees payable as are due in Parishes, &c. for which Ground has been purchased. 9 & 10 Vict. c. 68. s. 1.

268. The Officiating Minister of each such Parish, District, or Place respectively may use such Chapel for the Purpose of the Burial Service therein; and in respect to the Use of such Burial Ground by each such Parish, District, or Place, the like Fees for the Performance of such Burials, and for the making, opening, or using any Catacombs, Vaults, or Ground for Burials within such Burial Ground, shall be due and payable as are accustomed to be taken in each such Parish, District, or Place respectively; and the Use of such Chapel, Lodge, or other Building by such Officiating Minister shall be subject to such Regulations as the Bishop shall from Time to Time make under his Hand and Seal.

Bishop of the Diocese may declare in the Sentence of Consecration that such Chapel is intended for the Use of such

269. The Bishop may declare in the Sentence of Consecration that such Chapel is intended for the Use of such respective Parishes, Districts, or Places for the Performance of the Burial Service therein, and if, after the Consecration of such Chapel, any additional Land be conveyed to the Commissioners, or to any other Body or Person as a Burial Ground, for the Use of such Parishes, Districts, or Places, or for the Use of any other Parish, District, or Place, (such Land adjoining

adjoining or being near to such former Land so conveyed,) such Chapel, subject to the Regulations by the Bishop, may be used for the Performance of the Burial Service in such additional Ground, and such Lodge or other Building, and every Access and Approach to and from such Chapel, Lodge, or Building, may be used for the same or the like Purpose. respective Parishes, Districts, or Places. 9 & 10 Vict. c. 68. s. 2.

270. For the Enclosure of such Land One Boundary Fence around the whole may by the Bishop (if he think fit) be declared sufficient, without any Subdivision Fences enclosing the Portions so conveyed, for the Use of the several Parishes, Districts, or Places respectively; but if the Bishop think fit he may require such Bound Stones to be put down as may appear to him necessary for marking the Boundaries of the Land so conveyed to the Commissioners for the Use of the respective Parishes, Districts, or Places. One Boundary Fence sufficient. Bishop may direct Bound Stones to be put down for marking Boundaries of each Parish, &c. 9 & 10 Vict. c. 68. s. 3.

271. Nothing herein contained shall authorize any Church Rate to be made on such Parishes, Districts, or Places, or any of them, for the Repair or Sustentation of such Chapel, Lodge, or other Building, or Fence, but such Repair or Sustentation shall be provided for by such Endowment, or by setting apart and investing such Sum of Money as the Commissioners shall consider sufficient. This Act not to authorize any Church Rate for the Repair of the Chapel, &c. 9 & 10 Vict. c. 68. s. 4.

272. Such Sum shall be set apart, and invested in Government Securities in the Names of Trustees to be appointed by the Commissioners, and shall be held by such Trustees in trust for the Purposes aforesaid, and the Dividends or annual Proceeds arising therefrom shall be applied in such Repair and Sustentation, as and when the Trustees for the Time being, with the Consent of the Bishop, shall from Time to Time direct. A sufficient Fund for such Repair or Sustentation shall be set apart, and invested in the Names of Trustees. 9 & 10 Vict. c. 68. s. 4.

273. In case of a Vacancy amongst such Trustees, the remaining Trustees, and if there be no remaining Trustee, or no Trustee capacitated or willing to act, the Bishop, shall supply such Vacancy by the Appointment of a fresh Trustee, who shall hold such Trust Fund, and apply the annual Dividends and Proceeds arising therefrom, jointly with the remaining Trustees, if any, in like Manner as the Trustee in whose Place he shall be appointed. Vacancies amongst Trustees to be filled up. 9 & 10 Vict. c. 68. s. 4.

274. The Freehold of any such Chapel, when consecrated, and the Site thereof, and of any Lodge, Walls, or Gates on any Part of such Burial Ground, shall vest in the Bishop of the Diocese in which the same is situate, and the Preservation and Custody thereof shall belong to the Trustees for the Time being of such Repair Fund, who shall have Power from Time to Time to make such Order and Regulations as may to them in that Behalf seem proper. Freehold of Chapel, &c. to vest in the Bishop of the Diocese. 14 & 15 Vict. c. 97. s. 28.

PART XV.

Powers of the Commissioners; Schemes, Orders in Council, and Consents thereto.

Commissioners may make Grants or Loans or expend Money. 58 G. 3. c. 45. s. 21. 59 G. 3. c. 134. s. 7. 3 G. 4. c. 72. s. 5. 8 & 9 Vict. c. 70. s. 12. 3 G. 4. c. 72. s. 3. 6 & 7 Vict. c. 37. s. 24. 59 G. 3. c. 134. s. 5.

275. The Commissioners, at their Discretion, may, out of any Property at their Disposal respectively applicable thereto, make Grants or Loans or expend Money for the following Purposes or any of them; viz.,

For or in aid of building Churches or rebuilding or enlarging Churches (where further Accommodation for the Performance of Divine Service according to the Use of the United Church may be required):

For or towards the Purchase of Sites for building Churches, with or without Burial Grounds:

For or towards purchasing Burial Grounds (either within or without the Boundaries of the Parishes for which they are to be provided), and for or towards enlarging existing Burial Grounds:

For or towards providing, in case of a Parish divided into Townships, Hamlets, Vills, Chapelries, or other Divisions, further Accommodation for Divine Service:

6 & 7 Vict. c. 37. s. 19.

For or towards the Endowment or Augmentation of the Income of Ministers of separate Parochial Districts and new Parishes to such an Amount or in such Proportion and in such Manner as shall be deemed expedient by the Authority of a Scheme and Order in Council:

58 G. 3. c. 45. s. 32. 6 & 7 Vict. c. 37. s. 19. 14 & 15 Vict. c. 97. ss. 2, 3, 4. 19 & 20 Vict. c. 104. s. 13. 6 & 7 Vict. c. 37. s. 24.

For or towards making Compensation to any existing Incumbent of a Mother Church for the Loss which he may sustain by reason of the Transfer of any Fees, Dues, Oblations, or Offerings to the Incumbent of a District Chapelry, separate Parochial District, or new Parish:

For or towards the Erection of a Church for a new Parish, although the Right of Patronage of such Church may not belong on the Consecration thereof to the Incumbent of the original Parish in which such Church is situate.

Property may be given to provide Compensation to the Incumbents for the Loss of Fees.

276. Any Body or Person may give or grant to the Commissioners any Land or Property for the Purpose of providing such Compensation as is mentioned in the Section lastly herein-before contained, in like Manner as such Body or Person might give or grant to the Commissioners Land or Property for any other of the Purposes in the same Section mentioned.

277. The

277. The Commissioners shall have Power, from Time to Time as Occasion may require, to make new Rules for regulating their Proceedings, and such Regulations as they may deem expedient, for the Furtherance of the Provisions of this Act, and by any such Rules to rescind or alter any Rules or Regulations for the Time being in force. And all such Rules and Regulations shall be laid before both Houses of Parliament as soon as conveniently may be.

Powers to Commissioners to make new Rules.

278. The Commissioners shall, upon the *First Day of February* in every Year, prepare Reports and Accounts, stating the Number and Description of Parishes or Districts formed or assigned, the Number of Churches built or building, the Accommodation therein provided or intended to be provided, the Stipends assigned to the Incumbents or Curates, the Money expended by the Commissioners, and for what Purposes, the Nature and Amount of Endowments provided under this Act, the Mode in which any Patronage has been dealt with by the Commissioners or with their Concurrence, and in whom it is vested, the Offices of the Church directed to be solemnized or performed in any Church or Chapel, the Appropriation of the Fees arising from such Offices, and all such other Particulars as shall be necessary for explaining the Progress made by them during the last preceding Year in carrying this Act into execution, and such Reports and Accounts shall annually be laid before both Houses of Parliament.

Reports, Accounts, and Returns of Proceedings under this Act. 58 G. 3. c. 45. s. 81.

279. In case Her Majesty in Council shall order the Formation of any Parish, Chapelry, or District, the Annexation of any Extra-parochial Place, the Assignment or Transfer of any Patronage, the resettling or apportioning any Endowment, or the carrying into effect any other Act, Matter, or Thing authorized by this Act, such Order shall be valid for giving effect thereto respectively, notwithstanding any Local Act.

Effect of the Order in Council.

280. The Powers vested in Her Majesty in Council and in the Commissioners by the Acts of the Third and Fourth Years of Her present Majesty, Chapter One hundred and thirteen, and the Fourth and Fifth Years of Her present Majesty, Chapter Thirty-nine, with reference to the Matters therein contained, and all other the Provisions of the same Acts relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued and extended and shall apply to Her Majesty in Council and to the Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively, with reference to all Matters relating thereto.

Powers of 3 & 4 Vict. c. 113. and 4 & 5 Vict. c. 39. extended to this Act. 6 & 7 Vict. c. 37. s. 23. 19 & 20 Vict. c. 104. s. 30.

In any Representation to the Queen in Council, &c. the Number of the Section of the Act under which such Representation, &c. is made need not be recited. 7 & 8 Vict. c. 56. s. 5.

281. In any Representation to Her Majesty in Council, or in any Order in Council to be made thereon, or in any other Act, Matter, or Thing to be done by the Commissioners under this Act, it shall be sufficient to refer to the Section or Sections as numbered in Copies printed by the Queen's Printer of the Acts under the Authority whereof such Representation or Order in Council is expressed to be made, or such Act, Matter, or Thing done, and it shall not be necessary to recite any of the Provisions of such Section.

Order in Council to be gazetted and registered in the Registry of the Diocese. 58 G. 3. c. 45. s. 22. 3 & 4 Vict. c. 113. s. 86. 6 & 7 Vict. c. 37. ss. 8, 9, 10, 23. 7 & 8 Vict. c. 56. s. 6. 19 & 20 Vict. c. 104. s. 30.

282. Every Order in Council made under this Act shall have and be of the same Force and Effect as if all and every Part thereof was included in this Act, and as soon as may be after the making thereof shall be inserted in the London Gazette, and be then registered in the Registry of the Diocese; and Notice of such Order shall be given in such Manner as the Commissioners shall direct.

Representations of Commissioners to set forth the Boundaries for the Formation of a new Parish, &c. and a Map thereof to be registered. 58 G. 3. c. 45. s. 22. 6 & 7 Vict. c. 37. s. 10. 7 & 8 Vict. c. 56. s. 6. 7 & 8 Vict. c. 94. s. 8.

283. Every Representation to be made by the Commissioners to Her Majesty in Council for the Formation of any new Parish, District Chapelry, or separate Parochial District, shall set forth the proposed Boundaries thereof, and the Name by which it is proposed that such Parish, Chapelry, or District should be called, and such Boundaries shall also be described or delineated on a Map or Plan to be annexed to such Representation, and such Map or Plan, or a Copy thereof, shall be sealed with the Common Seal of the Commissioners, and registered in the Registry of the Diocese, together with any Order in Council ratifying such Representation; provided that it shall not be necessary to publish such Map or Plan in the London Gazette.

Such Boundaries may be altered. Requisite Consents. 58 G. 3. c. 45. s. 23. 3 & 4 Vict. c. 60. s. 6. 7 & 8 Vict. c. 94. s. 9. 8 & 9 Vict. c. 70. s. 16. 11 & 12 Vict. c. 37. s. 3. 13 & 14 Vict. c. 94. s. 27.

284. Her Majesty in Council, upon a Representation by the Commissioners, made with the Consents of the Bishop and of the Patrons and Incumbents of any Parish, District, or Place to be thereby affected, under their respective Hands and Seals, may from Time to Time alter the Boundaries of any new Parish, District Chapelry, or separate Parochial District formed under the former Church Building Acts, the former New Parishes Acts, or this Act, and may also add thereto any Portions or Portion of any adjacent Parish, District, or Place.

Where Patron or Incumbent do not consent. 3 & 4 Vict. c. 60. s. 7.

285. If the requisite Consent of any Incumbent or Patron of any Parish, District, or Place be not obtained to such Alteration of Boundaries, such Order in Council may, with the Consent of the Bishop and the Patron, be made on the Representation of the Commissioners; but such Alteration shall not take effect so as to affect the Parish, District, or Place of which the Incumbent shall refuse to consent, until the next Avoidance of the Church thereof.

286. Any

Rearrangement of Boundaries. 7 & 8 Vict. c. 94. s. 9.

286. Any Portion of any such Parish, Chapelry, or District which by any such Alteration of Boundaries shall become detached or excluded therefrom shall either again belong to and form Part of the Parish, District, or Place out of which such Portion was originally taken, or shall belong to and form Part of any other Parish, District, or Place as shall be specified in such Representation.

Who to be deemed Patrons for the Purposes of Notice. 6 & 7 Vict. c. 37. s. 23. 19 & 20 Vict. c. 104. s. 20.

287. The Provisions contained in an Act passed in the Second Year of Her present Majesty, Chapter One hundred and six, respecting the Party to be deemed Patron for the Purposes of Notice to be served upon and Consent to be given by such Patron, and also respecting the Manner in which and the Party by whom any such Consent is to be given, shall be construed to apply to the like Matters respectively under this Act.

Consent of the Crown. 1 & 2 W. 4. c. 38. s. 15. 1 & 2 Vict. c. 107. s. 2.

288. In every Case in which the Consent or Concurrence of the Patron of any Benefice is required to or in the Exercise of any Power given by this Act, or to or in any Agreement under this Act, and in every Case in which any Notice is required by this Act to be given to the Patron of any Benefice, and the Patronage of such Benefice is in the Crown, such Consent or Concurrence shall be testified and such Notice shall be given respectively in manner herein-after mentioned; that is to say, if such Benefice be above the yearly Value of *Twenty Pounds* in the Queen's Books, the Instrument by which such Power is exercised or Agreement made shall be executed by and any such Notice shall be given to the Lord High Treasurer or the First Commissioner of Her Majesty's Treasury; and if such Benefice do not exceed such yearly Value in the Queen's Books, such Instrument or Agreement shall be executed by and such Notice given to the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal; and if the Patronage of such Benefice be in the Crown in right of the Duchy of Lancaster, or of the Duchy of Cornwall, such Instrument or Agreement shall be executed by and any such Notice given to the Chancellor of such Duchy; and the Execution of such Instrument or Agreement by and any such Notice given to such Person or Persons shall be deemed and taken for the Purposes of this Act to be an Execution by and a sufficient Notice to the Patron of the Benefice.

Consent of the Duke of Cornwall. 5 G. 4. c. 103. s. 19.

289. In every Case in which the Consent or Concurrence of the Patron of any Benefice is required to or in the Exercise of any Power given by this Act, or to or in any Agreement under this Act, and in every Case in which any Notice is required by this Act to be given to the Patron of any Benefice, and the Advowson and Right of Patronage of such Benefice is Part of the Possessions of the Duchy of Cornwall, such Consent or Concurrence shall be testified and such

Notice given respectively in the Manner herein-after mentioned; (that is to say,) the Instrument by which such Power is exercised or Agreement made shall pass under the Seal of the Duchy of Cornwall, and such Notice shall be given to the Keeper for the Time being of the Records of the same Duchy, and the affixing of the Seal of the Duchy of Cornwall to such Instrument or Agreement, and the giving of such Notice in manner aforesaid, shall be, for the Purposes of this Act, an Execution by and a sufficient Notice to the Patron of such Benefice.

Consent of Corporations Aggregate.

290. If the Consent or Concurrence of any Corporation Aggregate be requisite to any Deed, Writing, or Instrument to be made in pursuance of or for the Purposes of this Act, such Consent or Concurrence shall be signified under the Common Seal of such Corporation.

Consent of Ecclesiastical or Eleemosynary Corporations. 1 & 2 W. 4. c. 38. s. 26.

291. The Consent or Concurrence of any Ecclesiastical or Eleemosynary Corporation, either sole or aggregate, acting as Patron of a Benefice, shall be as valid for all the Purposes of this Act as if such Consent or Concurrence had been given by a Patron absolutely and beneficially entitled.

Avoidance by an Ecclesiastical Corporation

292. In the Case of an Ecclesiastical Corporation Aggregate, an Avoidance of any Benefice held or enjoyed by such Corporation shall for any of the Purposes of this Act be deemed to have taken place after *Fifteen* Years from the Time of the passing of any Order in Council, or the Execution or doing of any Deed, Matter, or Thing, which under this Act is to take effect upon the next Avoidance of such Benefice.

How Consents of certain Parties shall be given, and what Notices shall in certain Cases be sufficient. 1 & 2 W. 4. c. 38. s. 15. 2 & 3 Vict. c. 49. s. 22. 3 & 4 Vict. c. 60. s. 21.

293. Where the Consent of or the Execution of any Deed or Instrument by the Patron of any Cathedral Preferment, or of any Benefice, Sinecure Rectory, or Vicarage, is required for carrying into effect any of the Purposes of this Act, and also where it may be necessary to give any Notice to any such Patron for any of such Purposes, the Consent of, Execution by, or Notice to the Patron or Person entitled to make Donation, or to present or nominate to such Cathedral Preferment, Benefice, Sinecure Rectory, or Vicarage, in case the same were then vacant, shall respectively be sufficient.

Consent of Minors, Idiots, &c. 1 & 2 W. 4. c. 38. s. 15. 1 & 2 Vict. c. 106. s. 127.

294. Where the Consent or Concurrence of the Patron of any Benefice is required to or in the Exercise of any Power given by this Act, or any Agreement under this Act, or where any Notice is required by this Act to be given to the Patron of any Benefice, and the Patron of such Benefice is a Minor, Idiot, Lunatic, or Feme Covert,

Covert, the Guardian or Committee or Husband of such Patron (but in the Case of a Feme Covert with her Consent in Writing) may execute the Instrument by which such Power is exercised or Agreement made, in testimony of the Consent of such Patron, and such Notice shall be given in each such Case to such Parties respectively; and such Execution and such Notice shall for the Purposes of this Act be an Execution by and Notice to the Patron of the Benefice; and any Patron who shall be entitled in Possession at Law or in Equity for an Estate for Life, or a Term of Years determinable on a Life or Lives, or a greater Estate, shall be considered as Patron for the Purposes of this Act. 2 & 3 Vict. c. 49. s. 22. 3 & 4 Vict. c. 60. s. 21.

295. If any Body or Person sustain all or more than One of the Characters in which their or his Execution of or Consent to or Concurrence in any Deed or Act is required by this Act, such Body or Person executing or consenting to or concurring in any such Deed or Act shall be deemed so to do in all such Characters which they or he shall so sustain. Same Party may consent in more than One Character.

296. Where the Consent of, or the Execution of any Deed or Instrument by, or any Notice to, any Patron or Incumbent, or either of them, of any Parish, District, or Place is required for carrying into effect any of the Purposes of this Act, and there shall be no known Patron and Incumbent, or either of them, or if it be uncertain or doubtful whether there is any such Patron or Incumbent, which Facts shall be certified by the Bishop to the Commissioners, the Consent of, or the Execution of any such Deed or Instrument by, or giving of such Notice to the Bishop shall, for the Purposes of this Act, have the same Effect as the Consent of, or Execution by, or Notice to, a Patron and Incumbent, or Patron or Incumbent of such Parish, District, or Place, as the Case may be. Where there is no Patron or Incumbent.

297. If any Incumbent or Patron to whom it shall be necessary under this Act to transmit or deliver the Draft of any Scheme proposed to be laid before Her Majesty in Council, or to give any Notice required by this Act, shall be beyond the Seas, or cannot be found, it shall be sufficient to leave such Draft or Notice, in the Case of an Incumbent, at the House of Residence belonging to his Benefice or Church, or if there be no such House of Residence then at his last usual Place of Abode in England, and in the Case of a Patron at his last usual Place of Abode in England. How Scheme to be served where Incumbent or Patron absent from England. 7 & 8 Vict. c. 94. s. 4.

298. In the Case of any such absent Incumbent or Patron the Scheme shall not be laid before Her Majesty in Council until after the Expiration of *Two Months* from the Day on which the Draft When Scheme, in case of absent Incumbent, to be

laid before the Queen. 7 & 8 Vict. c. 94. s. 4.

Draft thereof shall have been so left, unless such Incumbent and Patron shall in the meantime consent thereto.

How where Incumbent incapacitated or Benefice sequestered. 7 & 8 Vict. c. 94. s. 5.

299. If any such Incumbent be an Idiot or Lunatic or of unsound Mind, or if any Benefice or Church be under Sequestration, or if the Duties thereof be performed by a Curate duly appointed in consequence of the Suspension or the reputed Incapacity of the Incumbent thereof, it shall be sufficient to deliver or transmit the Draft of any such Scheme or to give any such Notice to the Committee of such Idiot, Lunatic, or Person of unsound Mind, or to the Sequestrator, or to such Curate of such Benefice or Church, as the Case may be; and the Consent of such Committee, Sequestrator, or Curate shall be deemed to be the Consent of the Incumbent.

Where Patrons are numerous. 7 & 8 Vict. c. 94. s. 6.

300. If the Patronage of any Church of any Parish, District, or Place is or shall be vested in and exercised by the Inhabitants generally of such Parish, District, or Place, or by any Body or Class of Persons exceeding *Five* in Number, it shall be sufficient to deliver or transmit the Draft of any such Scheme or give such Notice to One of such Patrons, and to the Churchwardens of any such Church; and such Churchwardens, or One of them, shall thereupon cause Notice of the Contents of such Draft or Notice to be given to such Patrons, and shall ascertain their Objections, if any, or their Consent to such Scheme, in such Manner as the Commissioners shall direct, and such Churchwardens, or One of them, shall communicate the same to the Commissioners or to the Bishop; and the Commissioners shall not lay such Scheme before Her Majesty in Council until after the Expiration of *Two* Months from the Day on which such Draft shall have been so delivered or transmitted, unless such Consent shall in the meantime be given.

PART XVI.

Provisions respecting Money borrowed of the Governors of the Bounty of Queen Anne.

Bounty Board may lend Money to the Ecclesiastical Commissioners. 6 & 7 Vict. c. 37. s. 2.

301. The Commissioners from Time to Time may borrow, and the Governors of the Bounty of Queen Anne and the Archbishop of Canterbury may lend and transfer to the Commissioners, upon the Security and Conditions herein-after mentioned, any Capital Sums of Stock, being Part of the Stock now standing in the Names of the Governors and such Archbishop in the Books of the Governor and Company of the Bank of England.

Commissioners to pay Interest

302. The Commissioners shall, upon the Transfer of any such Stock into their Names in the Books of the Governor and Company of the

the Bank of England, accept the same in such Books, and shall pay to the Governors, by half-yearly Payments on the Tenth Day of April and the Fourteenth Day of October in every Year, a Sum equal in Amount to the Dividends which such Stock, or so much thereof as shall on such Days respectively remain unreplaced, would produce; and the Commissioners may, at any Time, replace the whole or any Part of any such Sum or Stock, or of any Stock already lent and transferred to them under the Provisions of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her present Majesty, Chapter Thirty-seven.

half-yearly on Money borrowed from Bounty Board. 6 & 7 Vict. c. 37. s. 3.

303. The Money from Time to Time accruing to the Commissioners by reason of the Suspension of Canonries under an Act passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, Chapter One hundred and thirteen, and of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of Her present Majesty, Chapter Thirty-nine, and the Land and Property vested or to be vested in the Commissioners under such Acts, and also any Money borrowed by the Commissioners from the Governors under this Act, and the Rents and Profits thereof respectively, are hereby charged with all such half-yearly Payments as are made payable by the Act of the Sixth and Seventh Years of Her present Majesty, or by this Act.

The Property of the Commissioners under the Cathedral Acts (3 & 4 Vict. c. 113. 4 & 5 Vict. c. 39.), and Money borrowed from the Governors, to be the Security for Payment of Interest. 6 & 7 Vict. c. 37. s. 4.

304. If any such half-yearly Payment, or any Part thereof, shall be in arrear for *Twenty* Days, then such Land, Property, and Money as last aforesaid, and the Rents and Profits thereof respectively, are hereby charged with the Repayment and replacing of the whole Capital Stock so to be lent and transferred to the Commissioners, or already lent and transferred to them.

Same Security for the Payment of Capital upon Default of the Payment of Interest.

305. Upon any such Default the Governors shall have the same Remedies at Law against the Commissioners, upon and over such Money, Land, or Property in their Possession or Power, under the Provisions of the Acts of the Third and Fourth of Her present Majesty, Chapter One hundred and thirteen, and the Fourth and Fifth of Her present Majesty, Chapter Thirty-nine, for the Recovery of such Capital Stock, or so much thereof as shall then remain unreplaced, together with all Arrears of half-yearly Payments due thereon, as if the Commissioners had duly executed a Deed under their Common Seal, covenanting for Repayment to the Governors of such Stock and for making such half-yearly Payment on the Day when such Default shall have become complete.

Remedies for Nonpayment of Interest.

Bounty Board may require Repayment of Capital after Thirty Years. 6 & 7 Vict. c. 37. s. 5.

306. The Governors, at or after the Expiration of *Thirty* Years from the Date of the lending and transferring of any Sum of Stock already lent and transferred as aforesaid, and at or after the Expiration of a like Number of Years from and after the lending and transferring of any further Sum of such Stock under this Act, may give Notice to the Commissioners, in Writing under their Corporate Seal, requiring them to replace, in the Names of the Governors and of the Archbishop of Canterbury, the whole of such Sums of Stock respectively, or such Part thereof respectively as shall at the Date of such Notice remain unreplaced. And the Commissioners shall proceed to replace the same accordingly, by yearly Instalments, amounting at the least to *One Twelfth* Part of such Sums of Stock respectively, or of such remaining Part thereof, and upon default of their duly replacing any such Instalment the Governors shall have the like Remedies for recovering the same as for any Default in making any such half-yearly Payment.

Commissioners to have Rights of Ownership over the Lands, &c. vested in them under the Cathedral Acts. 6 & 7 Vict. c. 37. s. 6.

307. Notwithstanding the Charge by this Act created, all the Rights and Powers of Ownership as are possessed respecting and over any Land or Property by any absolute Owner thereof shall be enjoyed by the Commissioners over any Land or Property vested and liable to be vested in them under the Provisions of the Acts of the Third and Fourth Years of Her present Majesty, Chapter One hundred and thirteen, and the Fourth and Fifth Years of Her present Majesty, Chapter Forty-nine, and may, subject to such Acts and this Act, be exercised by them, by valid Instruments, but in the Case of any such Land or Property not actually in their Possession, with the Consent of the respective Holders thereof, testified by their being made Parties to such Instruments; and the Consent of the Governors shall not be required to the Exercise by the Commissioners of any such Rights and Powers, notwithstanding such Charge.

Application of Purchase Money. 6 & 7 Vict. c. 37. s. 6.

308. All Money received as the Consideration or Purchase Money for the Sale, Transfer, or Conveyance by the Commissioners of such Land or Property, or of any Estate or Interest therein, and also all Money received by them by way of Foregift or Fine for the granting or renewing of any Lease, shall, unless it be deemed expedient by the Commissioners to apply any such Sum or any Part thereof in replacing any Stock so lent and transferred or to be lent and transferred as aforesaid, which they are hereby empowered to do, be applied by them, so soon as conveniently may be after the Receipt thereof, in the Purchase of Lands, Tithes, Rentcharges, Tenements, or other Hereditaments, or of some Estate or Interest therein, and shall in the meantime be invested in some Government or Parliamentary Stock or other Public Securities in England,

England, the Commissioners being at liberty to apply the Interest and Dividends of such Stock or Securities, and the Rents and Profits of such Lands, Rentcharges, Tithes, Tenements, and other Hereditaments, to the Purposes of the lastly herein-before mentioned Acts or of this Act.

Commissioners to have full Power over Stock lent and transferred to them by the Governors. 6 & 7 Vict. c. 37. s. 7.

309. The Commissioners shall, for the Purposes and subject to the Provisions of the lastly herein-before mentioned Acts, and of this Act, have Right of Property over all the Stock so lent and transferred to them by the Governors.

Stock not to be used, nor Lands sold, without Approval of Her Majesty in Council. 6 & 7 Vict. c. 37. s. 8.

310. No Part of the Capital of such Stock shall be applied to such Purposes, nor shall any such Land or Property be sold, transferred, or conveyed, except by the Authority of a Scheme prepared by the Commissioners, and an Order issued by Her Majesty in Council ratifying such Scheme.

PART XVII.

Miscellaneous Clauses; and Saving of prior Rights.

Reservation of Ecclesiastical Jurisdiction. 58 G. 3. c. 45. ss. 84, 85. 3 G. 4. c. 72. ss. 36, 37. 2 & 3 W. 4. c. 61. s. 1.

311. Nothing in this Act contained shall, otherwise than is hereby expressly provided, extend to invalidate or avoid any of the Laws Ecclesiastical or Constitutions of the United Church, or to affect or destroy any of the Rights or Powers belonging to any Bishop, Archdeacon, Chancellor, or Official, but they respectively, unless it be otherwise expressly provided, may at all Times hereafter visit, institute, and exercise Ecclesiastical Jurisdiction in any Parish, District, or Place, and the Church thereof, as amply and in such Manner as they respectively might have done before the passing of this Act.

The Validity of Marriages performed in Error in Churches with Parishes or Districts assigned to them not to be questioned, except where Proceedings are pending at the passing of this Act. 7 & 8 Vict. c. 56. s. 3. 14 & 15 Vict. c. 97. s. 25.

312. Where by Error and without Fraud Banns of Matrimony or Marriages have been, before the passing of this Act, published or solemnized in the Church of any Parish or District wherein Banns could not legally be published or Marriages legally solemnized, such Banns of Matrimony and such Marriages shall not, except when any such Marriage has been by a Court of competent Jurisdiction already declared invalid, or any Proceeding is now pending respecting the Validity or Invalidity thereof, be questioned on account of such Banns having been published or such Marriages solemnized in any such Church.

Ministers who solemnized such

313. The Ministers who have published such Banns or solemnized such Marriages shall not be liable to any Ecclesiastical Censure or to any other Proceedings or Penalties by reason thereof; and the

Marriages released from Penalties. Registers of such Marriages to be received as Evidence. 7 & 8 Vict. c. 56. s. 3. 14 & 15 Vict. c. 97. s. 25.

Registers of all Marriages so solemnized, except as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively.

Rights or Liabilities. 19 & 20 Vict. c. 104. s. 29.

314. Except as herein otherwise expressly provided, nothing in this Act contained shall affect or alter any existing Rights, Interests, Privileges, or Liabilities, Ecclesiastical or Civil, acquired or incurred under the former Church Building Acts or former New Parishes Acts.

Saving for Acts done and of existing Interests.

315. Orders in Council, Orders by Her Majesty's Commissioners for Building New Churches, Orders by the Commissioners, Deeds, Instruments, Acts, Matters, and Things, made, executed, done, rendered valid or confirmed, Rights acquired, Liabilities incurred, and any Proceedings or Matters in progress under the former Church Building Acts or former New Parishes Acts at the Time when this Act comes into operation, may, subject to such Provisions affecting the same as are herein contained, be proceeded with and remain and be put in force in like Manner as if this Act had not been passed.

Existing Rules of Commissioners to continue in force.

316. The Rules and Regulations for the general Proceedings of the Commissioners, and the Regulations drawn up under the former Church Building Acts or New Parishes Acts, and now in force, shall, until the same are rescinded or altered by the Commissioners, remain and be put in force and be applicable for the Purposes of this Act, except so far as any such Rules or Regulations are inconsistent therewith.

Division of or Separation from a Parish, &c. not to affect certain Parochial Rights. 58 G. 3. c. 45. s. 31.

317. The dividing of any Parish, District, or Place, or the Separation therefrom of any Part thereof, under the former Church Building Acts, the former New Parishes Acts, or this Act, shall not affect such Parish, District, or Place, or the Persons residing therein, save as in the said former Acts and this Act is specially provided.

Saving of the Manchester Division Act, 1850. 14 & 15 Vict. c. 97. s. 22. 19 & 20 Vict. c. 104. s. 29.

318. Nothing herein contained shall alter any of the Provisions of "The Parish of Manchester Division Act, 1850," or affect the existing Rights of the Principal and Scholars of the King's Hall and College of Brazen Nose in the University of Oxford, and their Successors, to nominate and present from Time to Time fit Clerks to officiate in Churches within the Parish of Stebunheath otherwise called Stepney in the County of Middlesex.

Rights of Brazen Nose College preserved. 58 G. 3. c. 45. s. 69.

Apportionments of Glebe and

319. Every Assignment under this Act of any Stipend or Salary to the Minister or Clerk of any Church, and every Endowment under this Act, and every Apportionment made under this Act, except

except as herein-before provided, of Glebe Lands, Tithes, Moduses, and other Endowments and Emoluments, and of any Fees, Oblations, Offerings, or other Ecclesiastical Dues or Profits, and also of all permanent and other Charges, and all Tables of Fees made under this Act, shall be registered in the Registry of the Diocese.

Emoluments, and of Charges, to be registered in the Registry of the Diocese. 58 G. 3. c. 45. s. 72. 59 G. 3. c. 134. ss. 18, 28.

320. No Action or Suit shall be commenced against any Body or Person for anything done in pursuance of this Act, until *Fourteen* Days Notice thereof in Writing has been given to the Secretary for the Time being of the Commissioners, nor after a sufficient Satisfaction or a Tender thereof hath been made to the Party aggrieved, nor after *Six* Months next after the Fact committed.

Limitation of Actions. 58 G. 3. c. 45. s. 83. Notice to the Secretary of the Commissioners.

321. Such Action shall be brought in the Court of Exchequer in England, and shall be laid in the County of Middlesex, and not elsewhere; and the Defendant in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same appear to be so done, or if such Action or Suit be brought after the Time herein-before limited for bringing the same, or be brought without *Fourteen* Days Notice thereof, or be brought in any other County or Place, or after a sufficient Satisfaction made or tendered as aforesaid, then the Jury shall find for the Defendant; and if the Plaintiff become nonsuited or suffer a Discontinuance of his Action, or if a Verdict pass against the Plaintiff, the Defendant shall be entitled to have Judgment with full Costs of Suit.

General Issue.

SCHEDULES.

SCHEDULE (A.)

ACTS WHOLLY OR PARTIALLY REPEALED.

Year and Chapter.	Title.	Extent of Repeal.
43 G. 3. c. 108. -	An Act to promote the building, repairing, or otherwise providing of Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Churchyards and Glebes.	The whole, so far as it relates to England.
51 G. 3. c. 115. -	An Act for amending the Act Forty-third George the Third to promote the building, repairing, or otherwise providing the Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Churchyards and Glebes.	The whole, so far as it relates to England.
58 G. 3. c. 45. -	An Act for building and promoting the building of additional Churches in populous Parishes.	The whole, except ss. 14, 15, 55, 56, 57, 58, 59, 60, 61, 65, 66, 68, 70, 71, and so much of s. 75 as relates to Churches built wholly or in part out of any Rates or with any Money raised upon the Credit of any Rates.
59 G. 3. c. 134. -	An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes.	The whole, except ss. 3, 5, 14, 23, 24, 25, and 40.
3 G. 4. c. 72. -	An Act to amend and render more effectual Two Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes.	The whole, except ss. 5, 6, 7, 20, 21, and 26.
5 G. 4. c. 103. -	An Act to make further Provision and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and in the Third Year of His present Majesty, for building and promoting the building of additional Churches in populous Parishes.	The whole.

Year and Chapter.	Title.	Extent of Repeal.
7 & 8 G. 4. c. 72. -	An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes.	The whole.
1 & 2 W. 4. c. 38. -	An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled "An Act to amend "the Acts for building and promoting "the building of additional Churches "in populous Parishes."	The whole.
2 & 3 W. 4. c. 61. -	An Act to render more effectual an Act passed in the Fifty-ninth Year of His late Majesty King George the Third, intituled "An Act to amend and render "more effectual an Act passed in the "last Session of Parliament for build-"ing and promoting the building of "additional Churches in populous Pa-"rishes."	The whole.
1 & 2 Vict. c. 107. -	An Act to amend and render more effectual the Church Building Acts.	The whole.
2 & 3 Vict. c. 49. -	An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne; and for other Purposes.	Sections 2, 3, 4, 9, 10, and 11.
3 & 4 Vict. c. 60. -	An Act to further amend the Church Building Acts.	The whole.
7 & 8 Vict. c. 56. -	An Act concerning Banns and Marriages in certain District Churches or Chapels.	The whole.
8 & 9 Vict. c. 70. -	An Act for the further Amendment of the Church Building Acts.	The whole.
9 & 10 Vict. c. 68. -	An Act for better enabling the Burial Service to be performed in One Chapel where contiguous Burial Grounds shall have been provided for Two or more Parishes or Places.	The whole.
9 & 10 Vict. c. 88. -	An Act to remove Doubts as to the Legality of certain Assignments of Ecclesiastical Patronage.	The whole.
11 & 12 Vict. c. 37.	An Act to amend the Law relative to the Assignment of Ecclesiastical Districts.	The whole.

Year and Chapter.	Title.	Extent of Repeal.
14 & 15 Vict. c. 97.	An Act to amend the Church Building Acts.	The whole.
17 & 18 Vict. c. 32.	An Act to facilitate the Apportionment of the Rent when Parts of Lands in Lease are taken for the Purposes of the Church Building Acts.	The whole.

SCHEDULE (B.)

ACTS WHOLLY OR PARTIALLY REPEALED.

Year and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 37. -	An Act to make better Provision for the Spiritual Care of populous Parishes.	The whole.
7 & 8 Vict. c. 94. -	An Act to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes.	The whole.
13 & 14 Vict. c. 94.	An Act to amend the Acts relating to the Ecclesiastical Commissioners for England.	Section 27.
19 & 20 Vict. c. 104.	An Act to extend the Provisions of an Act of the Sixth and Seventh Years of Her Majesty for making better Provision for the Spiritual Care of populous Parishes, and further to provide for the Formation and Endowment of separate and distinct Parishes.	The whole.

Church Building and New Parishes Acts Amendment Bill.

A

BILL

To consolidate and amend the Church Building and New Parishes Acts.

(*Prepared and brought in by Mr. Attorney General and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 11 *April* 1864.

[Bill 61.]

Under 13 *oz.*

Church of England Estates Bill.

ARRANGEMENT OF CLAUSES.

Short Title of Act; Sect. 1.

Extent of Act; 2.

Commencement of Act; 3.

Interpretation Clause; 4.

Her Majesty may appoint Two Commissioners for the Purposes of the Act; 5.

Archbishop of Canterbury may appoint One Commissioner; 6.

One of Commissioners appointed by Her Majesty to be Chief Commissioner, and to be a Barrister-at-Law of 15 Years' Standing; 7.

One of the Commissioners appointed by the Queen to be a Member of the House of Commons, and to be unpaid; 8.

The paid Commissioners appointed by the Archbishop of Canterbury to hold Office during Pleasure; 9.

Appointment of Secretary, Clerks, and Messengers; 10.

Salaries of Commisioners and other Officers; 11.

No paid Officer to sit in the House of Commons, or be an Ecclesiastical Commissioner, &c.; 12.

Style of Commissioners, who are to be a Corporation and have a Common Seal; 13.

The Ecclesiastical Estates Commissioners to manage all the Property of the Ecclesiastical Commissioners for England, and to carry into effect the Episcopal and Capitular Estates Improvement Acts; 14.

Provisions of Acts, &c. relating to Estates Committee and Church Estates Commissioners to be applicable to Ecclesiastical Estates Commissioners; 15.

Estates, &c. held in trust for Ecclesiastical Commissioners to vest in Ecclesiastical Estates Commissioners; 16.

Money payable to Church Estates Commissioners to be paid to Ecclesiastical Estates Commissioners; 17.

Money from Time to Time in the Hands of the Ecclesiastical Estates Commissioners to be paid over to the Common Fund; 18.

Provisions of Acts of Parliament, &c. as to Receipts of Joint Treasurers of Ecclesiastical Commissioners to be applicable to Ecclesiastical Estates Commissioners; 19.

As to Use of the Common Seal of the Ecclesiastical Estates Commissioners; 20.

Commissioners to frame General Minutes; 21.

Minutes of Proceedings and Orders, &c. to be entered, and Copies of Entries signed by the Secretary to be received in Evidence; 22.

General Report of Proceedings of the Commissioners to be sent annually to the Secretary of State and to Ecclesiastical Commissioners; 23.

A

BILL

FOR

Facilitating the Management and Improvement of certain Estates belonging to the Church in England.

WHEREAS it is expedient to make better Provision for the Management and Improvement of certain Estates belonging to the Church in England, and for that Purpose to amend the following Acts; viz., an Act passed in the Thirteenth and Fourteenth Years of the Queen, Chapter Ninety-four; an Act passed in the Fourteenth and Fifteenth Years of the Queen, Chapter One hundred and four; an Act passed in the Seventeenth and Eighteenth Years of the Queen, Chapter One hundred and sixteen; an Act passed in the Twenty-second and Twenty-third Years of the Queen, Chapter Forty-six; an Act passed in the Twenty-third and Twenty-fourth Years of the Queen, Chapter One hundred and twenty-four; an Act passed in the Twenty-fourth and Twenty-fifth Years of the Queen, Chapter One hundred and thirty-one; and an Act passed in the Twenty-sixth and Twenty-seventh Years of the Queen, Chapter Ninety-five: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Preamble.

13 & 14 Vict. c. 94.

14 & 15 Vict. c. 104.

17 & 18 Vict. c. 116.

22 & 23 Vict. c. 46.

23 & 24 Vict. c. 124.

24 & 25 Vict. c. 131.

26 & 27 Vict. c. 95.

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited as "the Ecclesiastical Estates Act, 1864."

Extent of Act.

2. This Act shall extend to England only.

Commencement of Act.

3. This Act shall come into operation on the *First Day of November One thousand eight hundred and sixty-four.*

Interpretation Clause.

4. In the Construction of this Act the following Words and Expressions shall be thus interpreted:

"The Church" shall denote the United Church of England and Ireland;

"The Commissioners" shall mean "The Ecclesiastical Estates Commissioners for England," appointed under this Act;

"The Ecclesiastical Commissioners" shall mean "The Ecclesiastical Commissioners for England."

Her Majesty may appoint Two Commissioners for Purposes of Act.

5. It shall be lawful for Her Majesty and Her Successors from Time to Time, by Warrant under the Royal Sign Manual, to appoint Two Lay Members of the Church to be Commissioners for the Purposes of this Act, and upon every Vacancy in the Office of a Commissioner so appointed to appoint in like Manner some other Lay Member of the Church to such Office.

Archbishop of Canterbury may appoint One Commissioner.

6. The Archbishop of Canterbury for the Time being may from Time to Time appoint, under his Hand and Archiepiscopal Seal, One Member of the Church to be a Commissioner for the Purposes of this Act, and upon every Vacancy in the Office of a Commissioner so appointed may appoint in like Manner some other Member of the Church to such Office.

One of Commissioners to be Chief Commissioner, and to be a Barrister of 15 Years' Standing.

7. One of the Commissioners appointed by Her Majesty shall be, at the Time of his Appointment, a Barrister-at-Law in actual Practice of not less than *Fifteen Years* Standing, and shall be the Chief Commissioner, and shall be so called and distinguished in his Appointment, and shall hold his Office during good Behaviour, and shall be paid as herein-after mentioned.

One of the Commissioners to be a Member of the House of Commons, and to be unpaid.

8. The other of the Commissioners appointed by Her Majesty shall be a member of the Commons House of Parliament, and shall hold Office during the Pleasure of Her Majesty, and shall receive no Salary as a Commissioner.

Commissioner appointed by Archbishop of Canterbury to hold Office during Pleasure.

9. The Commissioner to be appointed by the Archbishop of Canterbury shall hold Office during the Pleasure of the said Archbishop for the Time being, and shall be paid as herein-after mentioned.

10. The

Appointment of Secretary, Clerks, and Messengers.

10. The Commissioners shall appoint their own Secretary, and shall also from Time to Time, with the Sanction of the Lords Commissioners of Her Majesty's Treasury, appoint such Clerks and Messengers as the Commissioners may think fit; the Secretary and all Persons so appointed shall hold their Offices during the Pleasure of the Commissioners.

Salaries of Commissioners and other Officers.

11. There shall be paid to the paid Commissioners, and to their Secretary, Clerks, and Messengers, such Salaries, not exceeding for the Chief Commissioner the annual Sum of , for the Commissioner appointed by the Archbishop of Canterbury the annual Sum of , and for the Secretary the annual Sum of , as shall be from Time to Time allowed by the Lords Commissioners of Her Majesty's Treasury, who may also allow to every Commissioner and other Person appointed, for the Purposes of this Act, such reasonable travelling and other Expenses as may be incurred by him in the Execution of his Office; and such Salaries and Expenses, and the Expenses incidental to carrying this Act into execution, shall be paid out of any Monies which may from Time to Time be in the Hands of the Ecclesiastical Commissioners for England.

No paid Officer to sit in House of Commons or be an Ecclesiastical Commissioner.

12. No paid Commissioner or Secretary appointed under this Act shall hold his Office if he be a Member of the Commons House of Parliament, or an Ecclesiastical Commissioner for England, or cease to be a Member of the Church.

Style of Commissioners, who are to be a Corporation and have a Common Seal.

13. The Commissioners shall be a Body Politic and Corporate by the Name of the "Ecclesiastical Estates Commissioners for England," and by that Name shall have perpetual Succession, and plead and be impleaded before all Courts, Justices, and others, and shall have and use a Common Seal, and shall sit from Time to Time as a Board for carrying this Act into execution; and any *Two* of the Commissioners may form a Board, and may exercise all or any of the Powers conferred on the Commissioners by this Act; and in case of any Vacancy in the Office of any Commissioner the surviving or continuing Commissioners may, until a fresh Appointment shall be made, act as if no such Vacancy had occurred.

The Ecclesiastical Estates Commissioners to manage all the Property

14. Section Eight of the Act of the Thirteenth and Fourteenth Years of the Queen, Chapter Ninety-four, shall be repealed; and it shall be the Duty of the Commissioners to consider all Matters in any way relating or incident to the Sale, Purchase, Exchange, letting

of the Ecclesiastical Commissioners for England, and to carry into effect the Episcopal and Capitular Estates Improvement Acts.

letting, or Management, by or on behalf of the Ecclesiastical Commissioners, of any Lands, Tithes, or Hereditaments, and all Matters in any way relating or incident to the Sale, Purchase, Exchange, Letting, Management of, or Dealing with any Episcopal or Capitular Estates which, if this Act had not passed, would have devolved under the said recited Acts upon the Church Estates Commissioners or the Estates Committee of the Ecclesiastical Commissioners, and to devise such Measures touching the same Matters respectively as may appear expedient; and the Commissioners shall have all the Powers and Authorities now vested in or which may be exercised by the said Estates Committee or the Church Estates Commissioners, or any Three or Two of them respectively, under the said recited Acts, in relation to the Matters aforesaid, except the Power of affixing to any Scheme or other Instrument the Common Seal of the Ecclesiastical Commissioners, and the said Estates Committee and Church Estates Commissioners and Ecclesiastical Commissioners respectively shall have no further Concern with nor any Power or Authority in relation to the Matters aforesaid.

Acts, &c. relating to Estates Committee and Church Estates Commissioners to be applicable to Ecclesiastical Estates Commissioners.

15. All the Provisions of any Act of Parliament (except Sections Eleven and Twelve of the Act of the Thirteenth and Fourteenth Years of the Queen, Chapter Ninety-four,) and of any legal Instrument in which the Estates Committee or Church Estates Commissioners are mentioned or referred to, shall, in relation to any Matter or Thing to be done or executed by the Commissioners under this Act, be applicable to the Commissioners and their Successors.

Estates, &c. held in Trust for Ecclesiastical Commissioners to vest in Ecclesiastical Estates Commissioners.

16. All Land, Money, Securities for Money, Property and Effects whatsoever, which shall on the Day on which this Act shall come into operation be vested in the First Church Estates Commissioner in Trust for the Ecclesiastical Commissioners, and all Powers under any Mortgage or other Security which shall on the Day aforesaid be vested in the First Estate Commissioner in trust for the Ecclesiastical Commissioners, shall become vested in the Commissioners, and their Successors, for the like Estate and Interest and in like Manner as the same shall then be vested in such First Church Estates Commissioner; and the like Fees, Fines, or Sums of Money shall be paid upon the Admittance of the Commissioners to any Copyhold or Customary Land vested in them under this Act which would have been payable in respect of the Admittance thereto of the said First Church Estates Commissioner.

Money payable to Church Estates Commissioners to be paid to the Commissioners.

17. All Money payable or to become payable to the said Church Estates Commissioners under the said recited Acts shall be payable and be paid to the Commissioners.

18. All

Money in Hands of Ecclesiastical Estates Commissioners to be paid over to Common Fund.

18. All Money which shall come into the Hands or be subject to the Control of the Commissioners by virtue of this Act, and which, if this Act had not passed, would have been carried over to the Common Fund of the Ecclesiastical Commissioners, shall from Time to Time, at Intervals not longer than *One Year*, be paid over by the Commissioners to such Common Fund.

Acts of Parliament, &c. as to Receipts of Joint Treasurers of Ecclesiastical Commissioners to be applicable to Ecclesiastical Estates Commissioners.

19. All Provisions in any Act of Parliamant, Assurance, or Instrument concerning the Payment of Money to the Joint Treasurers of the Ecclesiastical Commissioners, or concerning the making the Receipts of such Joint Treasurers Discharges for Money, shall, in relation to any Act, Deed, Matter, or Duty executed or performed by the Commissioners under this Act, be from and after the *Commencement of this Act* applicable to the Commissioners as if they had been mentioned in such Act, Assurance, or Instrument instead of such Joint Treasurers.

As to Use of the Common Seal of the Ecclesiastical Estates Commisioners.

20. The Commissioners shall use their Common Seal in relation to every Act or Deed executed by them in which, if this Act had not passed, the Common Seal of the Ecclesiastical Commissioners, would have been used, and the Common Seal of the Commissioners, when so used, shall have like Force and Effect as the Common Seal of the Ecclesiastical Commissioners would have had.

Commissioners to frame General Minutes.

21. The Commissioners shall, by General Minutes, from Time to Time prescribe Regulations for their Proceedings, and the Transaction of the Business to be executed by them under this Act, and all such General Minutes shall be signed by *Two* of the Commissioners at the least; and Copies of all such General Minutes shall be laid before both Houses of Parliament within *Fourteen Days* after the making thereof if Parliament be sitting, or if Parliament be not sitting then within *Fourteen Days* after the next Meeting thereof.

Minutes of Proceedings and Orders, &c. to be entered, and Copies of Entries signed by the Secretary to be received in Evidence.

22. The Commissioners shall cause Minutes of their Proceedings, and all Orders and Schemes made or approved by them under this Act, to be entered in Books to be provided and kept for such Purpose, and all such Entries shall be signed by their Secretary; and all Copies purporting to be extracted from the Books of the Commissioners, and to be certified by their Secretary, of any such Minutes, Orders, and Schemes entered as aforesaid, shall be received as Evidence of the Proceedings to which such Minutes shall relate, and of such Orders or Schemes, and of the making or Approval thereof (as the Case may require) by the Commissioners, without further Proof thereof.

General Report of Proceedings of the Commissioners to be sent annually to Secretary of State and to Ecclesiastical Commissioners.

23. The Commissioners shall from Time to Time give to any One of Her Majesty's Principal Secretaries of State such Information respecting their Receipts or Disbursements of Money or any other of their Proceedings as he shall require, and shall on or before the *First Day of March* in every Year send to One of the Principal Secretaries of State, and also to the Ecclesiastical Commissioners, a General Report of their Proceedings under this Act for the Year preceding the *First Day of November* then last past, together with a Schedule of all Applications for Enfranchisement or Purchase of Interests of Lessees, specifying the Terms proposed, the Terms on which such Enfranchisement or Purchase shall have been effected, and, if refused, the Grounds of such Refusal, and shall annex to such Report an Abstract of the Accounts of their Commission, and every Year such General Reports shall be laid before both Houses of Parliament within *Six Weeks* after the Receipt of the same by such Principal Secretary of State if Parliament be sitting, or if Parliament be not sitting then within *Six Weeks* after the next Meeting thereof.

Church of England Estates.

A

B I L L

For facilitating the Management and Improvement of certain Estates belonging to the Church in England.

(*Prepared and brought in by Mr. Harry Seymour, Mr. Alderman Copeland, Mr. Locke King, and Mr. Henry Fenwick.*)

Ordered, by The House of Commons, *to be Printed,* 30 *May* 1864.

[Bill 127.] *Under* 1 *oz.*

Church Rates Commutation Bill.

ARRANGEMENT OF CLAUSES.

CLAUSES.

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SCHEDULE.

A

BILL

FOR

The Commutation of Church Rates.

WHEREAS Church Rates have for some Years ceased to be made in certain Parishes, and in other Parishes where Church Rates have been made the levying thereof has given rise to Ill-feeling and Litigation: And whereas it is expedient that an annual Charge upon Property should be levied in lieu of Church Rates, and that Provision should be made for the Commutation of such Charge, and for the Reception, holding in trust, and due Application of Benefactions and voluntary Contributions for the Purposes of Church Rates and instead thereof: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Church Rates Commutation Act, 1864. Short Title.

Extent.

2. This Act shall extend to England only.

Interpretation.

3. In this Act—

The Term "Parish" shall mean any Place or District for which a separate Church Rate might be made if this Act had not been passed, whether a Parish, District Parish, Ecclesiastical District, or other Ecclesiastical Division:

The Term "the Quarter Sessions" shall mean such Court of General or Quarter Sessions as has Jurisdiction over the Parish or Part of the Parish affected by any Provision of this Act in which that Term is used:

The Terms "Clerk of the Peace" and "Town Clerk" respectively shall include any Officer or Person who discharges the Duties of Clerk of the Peace or Town Clerk where there is no such Officer as Clerk of the Peace or Town Clerk, and shall mean the Clerk of the Peace, Town Clerk, or other such Officer or Person as aforesaid of or acting for the County, Borough, or Place for which the Quarter Sessions are held:

The Terms "Church" and "Churchwarden" shall include Chapel and Chapelwarden:

The Term "Owner of Property" shall, with respect to Land, mean the Person who is for the Time being entitled to receive the Rackrent from the Occupier thereof, or who, if such Land were let to a Tenant at Rackrent, would for the Time being be entitled to the Receipt thereof:

The Term "Ratepayer" shall mean a Person assessed to Rates for Relief of the Poor.

Mode of publishing Notices by Churchwardens.

4. Where Churchwardens are required by this Act to publish any Notice, Account, or other Thing, they shall fix the same, in Writing or Print, or partly in Writing and partly in Print, under their Hands, on or near the principal Door of the Church of the Parish, and shall keep the same so fixed for the whole of the following *Month*, and also shall advertise the same once at least during such *Month* in some Newspaper printed in the County in which the Parish is situate, and if there is none, then in an adjoining County.

Mode of making Special Order of Vestry.

5. Any Special Order made by a Vestry under this Act shall be made as follows:—The Churchwardens shall publish a Notice of the intended Meeting of the Vestry and of the Object thereof; the Resolution of the Vestry agreed to at such Meeting shall be confirmed at a subsequent Meeting held not sooner than *One Month* and not later than *Two Months* thereafter; the Churchwardens shall publish a Notice of such intended subsequent Meeting, and of the Object thereof, and shall (in addition to any such Advertisement as aforesaid) advertise such Notice, once at least in each *Fortnight* intervening between the Two Meetings, in some such Newspaper as aforesaid.

Establishment

Establishment of Church Charge.

Church Charge at 2*d.* in the Pound in lieu of Church Rates.

6. All Property in respect of the Occupation whereof the Occupier would, if this Act had not been passed, be liable to be assessed to Church Rates in any Parish, shall be subject to an annual Charge after the uniform Rate of *Twopence* for every Pound Sterling of the rateable Value thereof, according to the Valuation of Property in the Parish for the Purpose of Rates for Relief of the Poor. Such Charge shall be called the Church Charge, and shall be in substitution for Church Rates, and shall be applicable for the Purposes for which Church Rates are now by Law applicable.

Assessment of Church Charge.

Churchwardens to make and publish Schedule for Assessment of Church Charge for the present Year.

7. Forthwith after the passing of this Act, the Churchwardens of every Parish shall proceed to make out a Schedule showing all the Property subject to the Church Charge for the Parish, the Names of all Persons liable to pay the same, the Amount for which each is liable, and the total Amount of the Church Charge for the Parish. Such Schedule shall be, as nearly as may be, in the Form set forth in the Schedule to this Act. The Churchwardens shall complete such Schedule within *Three Months* after the passing of this Act, and forthwith on Completion thereof shall publish the same, together with a Notice, stating that any Person dissatisfied with the Assessment therein contained may appeal against the same in like Manner as an Appeal may be made by any Person against a Rate for Relief of the Poor.

Similar Schedule to be made yearly.

8. The Churchwardens in every Parish shall yearly on or before the *First Day of November* make out a like Schedule, and publish the same, together with a like Notice.

Penalty on wilful Omission, &c. by Churchwarden.

9. If any Churchwarden wilfully omits to include any Property or Person in any such Schedule, or if any Churchwarden makes in any such Schedule a Statement of anything by this Act required to be stated therein, knowing the same to be false in any material Particular, he shall be liable to a Penalty of not more than *Five Pounds*, to be recovered in a summary Way before Two Justices of the Peace.

Appeal as in case of Poor Rate.

10. All statutory and other Provisions and Rules concerning an Appeal against a Rate for Relief of the Poor, and the affirming, quashing, or amending thereof, shall, as far as may be, extend and apply, mutatis mutandis, to the Church Charge, and to an Appeal against the same, and the affirming, quashing, or amending thereof.

Schedule to be sent to Clerk of Peace or Town Clerk.

11. The Churchwardens of every Parish shall deliver every such Schedule to the Clerk of the Justices of the Petty Sessions Division within

within which such Parish is, who shall within *Fourteen Days* after any Appeal is disposed of by such Justices in Special Sessions, or after the Time allowed for any such Appeal is expired, send the same (with any Amendment made therein on any Appeal to such Special Sessions) to the proper Clerk of the Peace or Town Clerk, as the Case may be.

Collection of Church Charge.

Precepts for Church Charge along with County or Borough Rate, or separately if no County or Borough Rate made.

12. Wherever, after *the Thirty-first Day of March One thousand eight hundred and sixty-five*, a County Rate, or Rate in the Nature of a County Rate, or a Borough Rate, is made for the first Time in any Year, the Precepts, Warrants, or other Instruments issued for the Collection thereof shall also comprise and direct the Collection of the Church Charge in the several Parishes or Parts of Parishes subject to such respective Rate, and according to the Assessments made for the several Parishes in manner aforesaid, for which Purpose the Schedules so made as aforesaid for the several Parishes shall be delivered together with such Precepts, Warrants, or other Instruments; but if in any Year no such Rate be made in any Case before the *Thirtieth Day of June*, then on or before the *Twenty-first Day of July* in that Year like Precepts, Warrants, or other proper Instruments shall be issued for the Collection of the Church Charge alone, such Schedules as aforesaid being in like Manner delivered therewith respectively. All Precepts so issued shall be in the Forms in the Schedule to this Act, or as near thereto as may be, and all Warrants and other Instruments so issued shall be in the like Forms, as nearly as the Nature and Circumstances of each Case will admit.

Provisions respecting County and Borough Rates applied to Church Charge.

13. All statutory and other Provisions and Rules concerning the Powers, Rights, Duties, Protection, and Liabilities of Guardians of Unions, Overseers of the Poor, County Treasurers, Treasurers of Boroughs, Justices of the Peace, and other Authorities and Persons, in relation to County Rates, Rates in the Nature of County Rates, and Borough Rates respectively, and the Collection, Payment, and Receipt thereof, and the Remedies for recovering or enforcing Payment of the same, shall, as far as may be, extend and apply, mutatis mutandis, to the Church Charge, and the Collection, Payment, and Receipt thereof, and the Remedies for recovering or enforcing Payment of the same.

Separate Acknowledgment for Church Charge.

14. A separate Acknowledgment of the Payment of the Church Charge shall in all Cases be given.

Deduction by Tenant of Church Charge from his Rent.

15. The Occupier of any Property, being Tenant thereof, and not being liable, as between himself and his Landlord, by virtue of any Deed or Writing, made or to be made, to pay Church Rates

or

or the Church Charge, either specifically, or as included in the general Description of Rates and Taxes, or otherwise, shall be entitled to deduct any Sum paid by him for the Church Charge out of his next following Payment of Rent, in like Manner as he deducts any Sum paid by him for Property Tax; and all Landlords, mediate and immediate, and their Receivers and Agents, and their Representatives and Assigns, according to their respective Interests, shall allow such Deduction, if claimed, upon Receipt of the Residue of the Rent, in like Manner as they allow the Deduction of any Sum paid for Property Tax; and the Tenant paying any Sum for Church Charge, and claiming such Deduction, shall be discharged of so much Money, as if the same had been actually paid to the Person to or for whom his Rent is due and payable.

[*See 5 & 6 Vict. c. 35. s. 60., No. IV., Ninth Rule.*]

Administration of Church Charge.

16. Every County Treasurer or Treasurer of a Borough who receives any Money for Church Charge shall within *Fourteen Days* thereafter transmit the same to the Governors of Queen Anne's Bounty, distinguishing the Parishes for which the same has been received, and the Sum received for each Parish; and the said Governors shall on Receipt thereof place the Proportions thereof received for the several Parishes to the Credit of separate Accounts to be opened and kept by them in their Books with the Churchwardens of such several Parishes, and shall within *Fourteen Days* thereafter give Notice in Writing of such Receipt by them to the respective Churchwardens.

County and Borough Treasurer to send Money received to Queen Anne's Bounty.

17. The Churchwardens of each Parish may from Time to Time draw on the Governors of Queen Anne's Bounty (their Signatures to their Draft being attested by a Justice of the Peace having Jurisdiction in the Parish) for such Amount, not exceeding the Sum standing to their Credit in the Books of the said Governors, as may from Time to Time be required in the Parish for the Purposes for which the Church Charge is applicable, and the said Governors shall remit such Amount to the Churchwardens: Provided, that the said Governors shall not in any Year remit to the Churchwardens of any Parish a Sum or Sums exceeding the Amount of the then last Year's Produce of the Church Charge for such Parish, except on a Special Order of the Vestry of the Parish authorizing the Churchwardens to draw for a Sum or Sums exceeding such Amount.

Churchwardens to draw on Queen Anne's Bounty.

18. The Churchwardens of each Parish shall annually lay before the Vestry an Account in Abstract of their Receipts and Payments for the past Year in respect of the Church Charge, having first published the same.

Annual Accounts of Churchwardens.

Regulation of Expenditure of Parish.

19. Where the Churchwardens of any Parish propose to expend any Money for the Purposes for which the Church Charge is applicable, the following Provisions shall take effect:

(1.) The Churchwardens shall publish and lay before the Vestry an Account showing for the past Year the Amount received by the Governors of Queen Anne's Bounty in respect of the Church Charge for the Parish, and the Amount thereof drawn by the Churchwardens, and the Expenditure of such Amount, and also a Statement of the Amount and Objects of the proposed Expenditure:

(2.) The Vestry may by Resolution authorize the proposed Expenditure:

(3.) Within *Fourteen Days* after the Meeting at which such Resolution is agreed to, any Owner of Property liable to the Church Charge for the Parish, or any Ratepayer of the Parish, may appeal against the proposed Expenditure or any Part thereof to the Governors of Queen Anne's Bounty, stating in Writing the Grounds of his Appeal, and giving Notice thereof in Writing to the Churchwardens:

(4.) The said Governors shall, within *Two Months* after receiving the Appeal, hear and determine the same, stating in Writing their Approval or Disapproval of the proposed Expenditure or any Part thereof (with, in case of Disapproval, the Grounds thereof), and shall deliver such Statement to the Appellant, and a certified Copy thereof to the Churchwardens:

(5.) If the Appellant or the Vestry is dissatisfied with such Approval or Disapproval, he or they may, at any Time within *One Month* after the Delivery to him or them of such Statement or Copy, appeal against such Approval or Disapproval, on a Case stated in Writing by the Parties and approved by the said Governors, to the Lords Justices of the Court of Appeal in Chancery, who shall have Power to express and declare under their Hands a final Approval or Disapproval of such proposed Expenditure or any Part thereof, and, if they think fit, to obtain, at the Expense of the Parties or One of them, the Assistance of a Surveyor or other qualified Person to enable them to determine the Matter, and, if they think fit, to request the Advice and Assistance of the Archdeacon having Authority in the Parish, and also shall have Power to allow to either Party such Sum for Costs as may seem just, and for that Purpose to require either Party to give such Security for Costs as they may think fit:

(6.) The Churchwardens shall not proceed with the proposed Expenditure or the Part thereof appealed against, pending any such Appeal, or after any such Disapproval.

20. As

Investments by Queen Anne's Bounty for Benefit of Parish.

20. As often as there shall be standing for *Two Months* to the Credit of the Churchwardens of any Parish in the Books of the Governors of Queen Anne's Bounty under this Act a Sum of Cash exceeding *Fifty Pounds*, the said Governors shall, at the End of such *Two Months*, invest Money equal to such Sum of Cash in their own Names in some of the Public Stocks or Funds, for the Benefit of the Parish, and shall place the Income to arise from such Investment to the Credit of the Churchwardens of the Parish. Such Income and the Proceeds of any Sale from Time to Time made of any such Stocks or Funds (which Sale the said Governors may from Time to Time make as Occasion may require) shall be dealt with in like Manner as the Money received by the said Governors on account of the Church Charge for the Parish.

Accounts of Queen Anne's Bounty to be sent to Parishes.

21. The Governors of Queen Anne's Bounty shall send to the Churchwardens of the Parishes having Accounts in their Books under this Act Statements of their respective Accounts, in such Rotation that the Churchwardens of every Parish shall receive such a Statement once at least in every *Five Years*. The Churchwardens of each Parish shall, as soon as may be, lay such Statement before the Vestry, having first published the same.

Rules and Arrangements of Queen Anne's Bounty.

22. The Governors of Queen Anne's Bounty shall from Time to Time frame General Rules for the due Execution of the Duties imposed on them by this Act, and, subject and according to such Rules—

(1.) Shall appoint Officers and Clerks, and provide Offices and Things, necessary or proper for the due Execution of such Duties:

(2.) Shall invest in their own Names in some of the Public Stocks or Funds such Sums of Money coming to their Hands under this Act as may not be required either for immediate Use or for Investment for the Benefit of any particular Parish, and as may be properly so invested:

(3.) Shall apply the Income to arise from such last-mentioned Investments in or towards defraying the Expenses incurred by them in the Execution of this Act:

(4.) Shall, so far as such last-mentioned Income may be insufficient for that Purpose, defray such Expenses out of the Money coming to their Hands under this Act for the Church Charge, in such Manner that those Expenses may be borne rateably by the several Parishes.

Constitution of Meetings of Governors of Queen

23. A Meeting of the Governors of Queen Anne's Bounty shall not be competent to act for any of the Purposes of this Act unless there

Anne's Bounty.

there are present at least *Two* Lay Governors, or to hear and determine any Appeal under this Act unless there are present at least *Two* of the following Persons, nor shall any such General Rules as aforesaid be valid unless they are made under the Hands of at least *Seven* of the Governors, including at least *Three* of the following Persons; namely, the Speaker of the House of Commons, a Member of the Judicial Committee of Her Majesty's Privy Council, the Lord Chief Justice, Lord Chief Baron, or other Judge of One of the Superior Courts of Law at Westminster, the Master of the Rolls, Her Majesty's Advocate, Attorney, or Solicitor General, or One of Her Majesty's Counsel learned in the Law.

Administrative Committee of Queen Anne's Bounty.

24. The Governors of Queen Anne's Bounty shall appoint for the Purposes of this Act an Administrative Committee to discharge such of the Duties imposed on the said Governors by this Act as may be referred to such Committee by any General Rules made under this Act. The Administrative Committee shall consist of *Twelve* Governors, of whom at least *Four* shall be Laymen; and *Five* Members of such Committee, of whom at least *Two* shall be Laymen, shall form a Quorum.

Incorporation of Incumbent and Churchwardens.

Incumbent and Churchwardens to be a Corporation for Purposes of this Act.

25. In every Parish the Incumbent and Churchwardens for the Time being shall be and are hereby, for the Purposes of this Act, incorporated by the Name of "The Incumbent and Churchwardens of the Parish of ," and by that Name shall be One Body Corporate, with perpetual Succession and a Common Seal, and with Power to take and hold, without any Licence, and to dispose of, Land and other Property for the Purposes and according to the Provisions of this Act.

Discharge of particular Property from Church Charge.

Power to Owner of Property to obtain Discharge thereof from Church Charge by Payment of Capital Value of Church Charge thereon or by Grant of Redemption Rentcharge.

26. Any Person having any Estate or Interest in any Property liable to the Church Charge in any Parish may obtain the Discharge of such Property from such Liability in manner following:

(1.) He may pay to the Governors of Queen Anne's Bounty a Sum of Money equal to the Capital Value of the Church Charge on such Property, estimated at *Thirty Years* Purchase of the gross annual Amount of such Church Charge at the Time of such Payment, such Sum to be placed by the said Governors to the Credit of the Account in their Books of the Churchwardens of the Parish; or

(2.) He may grant to the Incumbent and Churchwardens of the Parish a perpetual yearly Rentcharge, to which the Term Redemption Rentcharge, when herein-after used, refers, to be issuing

issuing out of Land of Freehold Tenure, equal to the gross annual Amount at the Time of such Grant of the Church Charge on the Property intended to be discharged, securing such Rentcharge to the Satisfaction of the Governors of Queen Anne's Bounty:

(3.) The said Governors, on Receipt of such Money, or on such Rentcharge being secured to their Satisfaction, as the Case may be, shall give to the Person making such Payment or Grant a Certificate under their Common Seal stating such Payment or Grant, and specifying the Property for the Discharge whereof it is made, and shall send a certified Copy of such Certificate to the Churchwardens of the Parish:

Every such Certificate shall, from a Time to be therein stated, effectually discharge the Property therein comprised from Liability to Church Charge.

Proceedings for obtaining Discharge where Property is in Settlement. 19 & 20 Vict. c. 120. 21 & 22 Vict. c. 77.

27. Where any Property liable to the Church Charge in any Parish is a Settled Estate within the Operation of the Settled Estates Act of 1856, the Discharge thereof from such Liability may be obtained in manner following:

(1.) The Court of Chancery, if the Court deems it proper and consistent with a due Regard to the Interests of all Parties entitled under the Settlement of such Estate, and subject to the Provisions and Restrictions contained in the last-mentioned Act, and any Act amending the same, as incorporated in this Act, may authorize the granting to the Incumbent and Churchwardens of the Parish of such a perpetual yearly Redemption Rentcharge as aforesaid, to be issuing out of Land of Freehold Tenure forming Part of such Settled Estate, or out of Land of Freehold Tenure subject to the same Limitations as such Settled Estate, and to be secured to the Satisfaction of the Governors of Queen Anne's Bounty in such Manner as the Court may approve:

(2.) The Court shall direct what Person shall execute the Deed for granting and securing such Rentcharge, and every Deed executed according to such Direction shall have Effect as if the Settlement of the Land comprised in such Deed had contained a Power enabling such Person to grant and secure such a Rentcharge, and so as to operate (if necessary) by way of Revocation and Appointment of the Use or otherwise, as the Court may direct:

(3.) The following Provisions of the said Settled Estates Act, and any Provision amending the same or any of them, shall, as far as may be, extend and apply, mutatis mutandis,

to the Exercise by the Court of Chancery of the Power conferred by the present Provision, as if the same were here re-enacted; namely, Sections Sixteen, Seventeen, Nineteen, Twenty-two, Twenty-six to Thirty-one, both inclusive, Thirty-six to Forty-two, both inclusive, and Forty-four.

Release of Redemption Rentcharge in consideration of Transfer of equivalent Stock.

28. Where any such Redemption Rentcharge has been granted, the Incumbent and Churchwardens of the Parish may, with the Consent of the Governors of Queen Anne's Bounty, testified in Writing under their Common Seal, release from such Rentcharge the Land out of which it issues, in consideration of the Transfer into the Names of the said Governors of a Sum in some of the Public Stocks or Funds producing permanently an Income equal to such Rentcharge. Any Sum so transferred shall be held by the said Governors for the Benefit of the Parish, and in discharge from Liability to Church Charge of the Property for Discharge whereof such Rentcharge was granted. On such Transfer the said Governors shall give a Certificate under their Common Seal, stating the same, and specifying the Property intended to be discharged, and shall send a certified Copy thereof to the Churchwardens of the Parish. Every such Certificate shall, from a Time to be therein stated, effectually discharge the Property therein comprised from Liability to Church Charge.

Partial Release of Land from Redemption Rentcharge.

29. Where a Redemption Rentcharge has been granted, and any Person having any Estate or Interest in the Land out of which it issues is desirous of obtaining a Release of Part of such Land from the Rentcharge, the Incumbent and Churchwardens of the Parish may, with the Consent of the Governors of Queen Anne's Bounty, testified in Writing under their Common Seal, without any Consideration, release any Part of such Land from the Rentcharge, in case the Residue of such Land is sufficient Security for the Rentcharge; and in every such Case the Rentcharge shall continue charged on and issuing out of such Residue of the same Land, with the same Validity and Effect as to such Residue as if such partial Release had not been made.

Release of Redemption Rentcharge where Land charged is in Settlement.

30. Provided always, That where such a Redemption Rentcharge has been granted under the Authority of the Court of Chancery, and the Land out of which it issues continues comprised in a Settlement, the Court of Chancery, if it deem it proper and consistent with a due Regard for the Interests of all Parties entitled under the Settlement, may authorize any such partial Release as aforesaid, subject and according, as nearly as may be, to the same Restrictions and Provisions as are herein-before contained respecting the granting of a Redemption Rentcharge, and the same shall have Effect accordingly; and in any such Case any such partial Release shall not be valid unless the Authority of the Court of Chancery be so first obtained.

Benefactions

Benefactions for Relief of Parish from Church Charge.

31. Any Person may, notwithstanding any Statute restraining Alienation in Mortmain or Dispositions for Charitable Uses, by Deed or Testamentary Writing grant, give, or appoint any Property to the Incumbent and Churchwardens of any Parish for any Estate or Interest for which he has Power to dispose thereof, to be held by such Incumbent and Churchwardens and their Successors in trust for or towards the Relief of the Parish from the Church Charge: Provided always, that nothing herein-before contained shall empower any Person so to give, grant, or appoint any Property for the Relief of more than One Parish, or to give, grant, or appoint any Property the Capital Value whereof exceeds the Value of the Church Charge for the Parish, estimated at *Thirty* Years Purchase of the average annual Produce thereof during the *Seven* Years next before such Gift, Grant, or Appointment taking effect; but so nevertheless that if the Capital Value of any Property intended to be given, granted, or appointed in pursuance of this Act be found to exceed the Limit aforesaid, such Gift, Grant, or Appointment shall be invalid under this Act for the Excess only, and the Court of Chancery may, on Petition in a summary Way, make Order for reducing the same to the Limit aforesaid.

Power to any Person to grant or devise Property for Relief of Parish, under Restrictions. [*See 2 & 3 Ann. c. 11. s. 4. 43 Geo. 3. cc. 107, 108.*]

32. Any Person who now holds or shall at any Time hereafter hold any Property in trust for the Relief of any Parish from Church Rates or the Church Charge may, with the Consent of the Governors of Queen Anne's Bounty, testified in Writing under their Common Seal, transfer the same to the Incumbent and Churchwardens of the Parish and their Successors, to hold on the same Trusts; and thereupon all Powers, Rights, Duties, and Liabilities of such Person in relation to such Property shall cease, except as to past Transactions.

Power for Trustees for Relief of Parish to transfer Property to Incumbent and Churchwardens.

Discontinuance of Church Charge in Parish.

33. Where it is made to appear to the Governors of Queen Anne's Bounty that the Property applicable for the Relief of any Parish from the Church Charge, not including any Redemption Rentcharge granted under this Act, produces and will permanently produce an Income equal to the aggregate annual Amount of the Church Charge for the Parish and of any such Redemption Rentcharge, or to such smaller annual Sum as is sufficient to meet the ordinary Expenditure of the Parish for the Purposes for which the Church Charge is applicable, the following Provisions shall take effect:

Award of Governors of Queen Anne's Bounty for Discontinuance of Church Charge.

(1.) The said Governors shall, by a Provisional Award under the Hand of their Secretary, declare that on Confirmation of that Award the levying of the Church Charge in the Parish

shall cease, and shall forthwith send a certified Copy of such Provisional Award to the Churchwardens of the Parish, who shall forthwith publish the same:

(2.) Such Provisional Award shall not have any Effect until after the Expiration of *Two Months* from its Date, and until it is confirmed by the said Governors, and sealed with their Common Seal:

(3.) During such *Two Months* any Owner of Property liable to the Church Charge for the Parish, or any Ratepayer of the Parish, may send to the said Governors a Statement in Writing of any Objection on his Part to the Award:

(4.) The said Governors shall forthwith send a certified Copy of such Statement of Objection to the Churchwardens of the Parish, who shall forthwith publish the same:

(5.) The said Governors shall, within *One Month* after Receipt of such Statement of Objection, and having first given to the Objector and to the Churchwardens of the Parish at least *Fourteen Days* Notice of the Time when they will take the same into consideration, proceed to take the same into consideration, and to hear and determine the Objection, and in case the Objection be not sustained, then to confirm the Award, and seal the same with their Common Seal:

(6.) On Confirmation of the Award the said Governors shall forthwith send the same to the Churchwardens, who shall publish the same:

(7.) From and after the Confirmation of the Award the levying of the Church Charge in the Parish shall cease:

(8.) Where any Redemption Rentcharge granted under this Act is subsisting at the Time of the Confirmation of the Award the Incumbent and Churchwardens shall, under the Direction of the Governors of Queen Anne's Bounty, release from such Rentcharge the Land out of which it issues.

Exemption of Parish from Church Charge.

No Church Charge where Church Rate not leviable, or where Order of Exemption.

34. Nothing in this Act shall be taken to authorize the levying of the Church Charge in any Parish where Church Rate is not now by Law leviable; and, notwithstanding anything herein-before contained, the Church Charge shall not be levied in any Parish so long as an Order of Exemption made as herein-after provided is in force for such Parish.

Order of Exemption by Quarter Sessions, on Application of Parish.

35. If at any Time within *Six Months* after the passing of this Act a Declaration is delivered to the Churchwardens of any Parish, signed by *Ten* Ratepayers of the Parish or by *One Fifth* of the Ratepayers (if *One Fifth* be less than *Ten*), stating either that no Church Rate

Rate has been made and levied in the Parish within the *Seven* Years ending the *Thirty-first Day of December One thousand eight hundred and sixty-three*, or that *Three* successive Times within such *Seven* Years a Proposal for the making of a Church Rate in the Parish has been rejected on a Poll duly taken, and that they desire to claim for the Parish Exemption from the Church Charge, the following Provisions shall take effect:

(1.) The Vestry may by Special Order authorize an Application to the Quarter Sessions for an Order of Exemption:

(2.) The Churchwardens shall, within *One Month* after the Completion of the Special Order, send a certified Copy thereof to the Clerk of the Peace, who shall lay the same before the next Quarter Sessions held not sooner than *Two* Months after the Completion of the Special Order, of the Time of the holding whereof the Churchwardens shall publish Notice:

(3.) At such Sessions any Owner of Property liable to the Church Charge for the Parish, or any Ratepayer of the Parish, may appear and apply for an Order exempting the Parish from Liability to the Church Charge, which Order the Court shall make, on Proof being given of no Church Rate having been made and levied within such *Seven* Years, or of such *Three* successive Rejections as aforesaid:

(4.) Any such Owner or Ratepayer may appear and oppose the Application for such Order.

Revocation of Exemption.

Memorial of Parish for Revocation of Exemption, and Order of Quarter Sessions thereon.

36. If at any Time after the making of such an Order of Exemption for any Parish a Declaration is delivered to the Churchwardens of the Parish, signed by *One Fourth* of the Ratepayers of the Parish, stating that they desire to obtain the Revocation of such Order, the following Provisions shall take effect:

(1.) The Vestry may by Special Order adopt a Memorial to the Quarter Sessions for the Revocation of such Order:

(2.) If within *Fourteen Days* after such Adoption of a Memorial the same is signed by not less than *Two Thirds* of the Ratepayers of the Parish (but not otherwise) the Churchwardens shall forthwith send the same to the Clerk of the Peace, who shall lay the same before the next Quarter Sessions held not sooner than *Two Months* after the Receipt thereof by him, of the Time of the holding whereof the Churchwardens shall publish Notice:

(3.) At such Sessions any Owner of Property liable to the Church Charge for the Parish, or any Ratepayer of the Parish, may appear and apply for an Order revoking the Order of Exemption,

emption, which Order of Revocation the Quarter Sessions shall make, on Proof of the Memorial having been duly adopted and signed as aforesaid:

(4.) Any such Owner or Ratepayer may appear and oppose the Application for such Order.

Parish partly in County and partly in Borough.

Case where Parts of Parish within Jurisdiction of different Quarter Sessions.

37. Where different Courts of Quarter Sessions have Jurisdiction within different Parts of the same Parish, that Court which has Jurisdiction over such Part of the Parish as contains the larger Number of the Ratepayers of the Parish shall, for the Purposes of any such Order of Exemption or of Revocation, have exclusive Jurisdiction over the whole Parish.

Ecclesiastical Jurisdiction.

No Ecclesiastical Jurisdiction over levying of Church Charge.

38. No Ecclesiastical Court or Officer shall have any Jurisdiction or Authority over or in respect of the levying of the Church Charge.

Cessation of Church Rates.

Church Rates to cease.

39. No Church Rate shall be made in any Parish after the *Thirty-first Day of December One thousand eight hundred and sixty-four.*

Saving for Local Acts.

Existing Regulations as to any particular Parish to remain in force.

[*See last Proviso in 53 Geo. 3. c. 127. s. 7.*]

40. Where any local Provision made by Authority of Parliament is now in force respecting the making or levying of Church Rates in any particular Parish or Place, or the Application thereof, such Provision shall remain unaffected by this Act.

General Savings.

41. Nothing in this Act shall affect—

Pending Proceedings, and Cases where Money borrowed on Security of Church Rates.

(1.) Any Action, Suit, or Proceeding already commenced or to be commenced before the *First Day of January One thousand eight hundred and sixty-five* in any Court, Parish, or Place with respect to any Church Rate, or with respect to the Purposes for which any Church Rate is applicable, or any Jurisdiction, Authority, or Power of any Court, Body, or Person relative to any such Action, Suit, or Proceeding:

(2.) Any Proceeding or Remedy for levying or recovering or enforcing Payment of any Church Rate already made or to be made before the *First Day of January One thousand eight hundred and sixty-five:*

(3.) The making or levying of any Church Rate in any Parish where any Money already borrowed or to be before the *First*

First Day of January One thousand eight hundred and sixty-five borrowed on the Security of the Church Rates of the Parish remains for the Time being due, or where any Money is for the Time being in any Manner charged on or payable out of the Church Rates of the Parish; and in every such Case, so long as any such Money remains legally so due, charged, or payable, and for the Purpose only of the Payment of Interest (if any) accruing due in respect of such Money, and the Repayment of the Principal of such Money, Church Rates may and shall be made and levied in such Parish as if this Act had not been passed.

SCHEDULE.

Form of Schedule for Assessment of Church Charge.

An Assessment of the Church Charge for the Parish of in the County of made this Day of One thousand eight hundred and after the Rate of Twopence in the Pound.

No.	Name of Occupier.	Name of Owner.	Description of Property liable.	Name or Situation of Property.	Estimated Extent.	Rateable Value.	Church Charge at 2*d.* in the Pound.
					A. R. P.	£ *s.* *d.*	£ *s.* *d.*
1	James Smith - -	John Green - -	Land and Buildings -	Whiteacre Farm -	40 0 0	55 0 0	0 9 2
2	Ditto - -	Ditto - -	House and Garden -	In West Street -	0 1 0	25 0 0	0 4 2
3	John Poor - -	Ditto - - -	House - -	In Brick Lane - -	- - -	1 5 0	0 0 2½
&c.	&c.	&c.	&c.	&c.	&c.	&c.	&c.

Declaration of Churchwardens.

We, Thomas Jones and John Thomas, Churchwardens of the above-named Parish, do declare the several Particulars specified in the respective Columns of the above-written Schedule to be true and correct, so far as we have been able to ascertain them, to which End we have used our best Endeavours.

Thomas Jones, }
John Thomas, } Churchwardens.

FORM OF PRECEPT FOR COLLECTION OF CHURCH CHARGE TOGETHER WITH COUNTY RATE.

County of to wit.

To the Guardians of the Union.

THESE are to require you, the Guardians of the Union, from and out of the Moneys paid into the Hands of the Treasurer of your Union for the Purposes of your Union, to pay, on or before the Day of into the Hands of *A.B.*, Treasurer of the above-named County, appointed to receive the same, the Sum of £ being the Amount of the several Sums of Money hereunder set down opposite to the Names of the several Parishes, Townships, or Places comprised within your Union, the said several Sums being respectively charged and assessed thereon as the Proportion of the several Parishes, Townships, or Places towards the General County Rate, at in the Pound, made at the last Quarter Sessions (*or* General Sessions) of the Peace held at in and for the said County, together with the Amount of the several Sums of Money hereunder set down opposite to the Names of the same Parishes, Townships, or Places, or some of them, being the Amount of the Church Charge for the Year for each such Parish, Township, or Place, the Particulars for the Collection of which Church Charge in each such Parish, Township, or Place are set forth in the separate Schedule for each such Parish, Township, or Place herewith delivered to you.

(*Signature of the Clerk of the Peace.*)

Names of Parishes.	County Rate at in the Pound.			Church Charge at Twopence in the Pound.		
	£	*s.*	*d.*	£	*s.*	*d.*
Whiteacre - - - -	500	1	3	50	0	4
Blackacre - - - -	100	0	0	10	0	0
Redacre - - - - -	340	1	9	23	2	2

[This Form is to be varied according to Circumstances, to suit the Case of Cities, Boroughs, &c.]

FORM OF PRECEPT FOR COLLECTION OF CHURCH CHARGE ALONE.

County of to wit.

To the Guardians of Union.

THESE are to require you, the Guardians of Union, from and out of the Moneys paid into the Hands of the Treasurer of your Union for the Purposes of your Union, to pay on or before the Day of into the Hands of *A.B.*, Treasurer of the above-named County, appointed to receive the same, the Sum of £ being the Amount of the several Sums of Money hereunder set down opposite to the Names of the several Parishes, Townships, or Places comprised within your Union, being the Amount of the Church Charge for the Year for each such Parish, Township, or Place, the Particulars for the Collection of which Church Charge in each such Parish, Township, or Place are set forth in the separate Schedule for each such Parish, Township, or Place herewith delivered to you.

(*Signature of the Clerk of the Peace.*)

Names of Parishes.	Church Charge at Twopence in the Pound.

[This Form is to be varied according to Circumstances, to suit the Case of Cities, Boroughs, &c.]

Church Rates Commutation.

A

BILL

For the Commutation of Church Rates.

(*Prepared and brought in by Mr. Newdegate and Lord Robert Montagu.*)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1864.

[Bill 8.]

Under 3 *oz.*

County Courts (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Commencement of Act; Sect. 1.

Short Title; 2.

Interpretation of Terms; 3.

Under Sheriff to give Security for the Performance of his Duties under this Act.; 4.

Decrees to be executed by the Under Sheriffs and their Bailiffs, and by no other Persons; Responsibility of Under Sheriffs for the Execution of the Process of the County Courts to be similar to that of High Sheriffs for the Execution of the Writs of the Superior Courts; Bailiffs to be paid by the Under Sheriffs out of the Fees allowed them by this Act; 5.

Under Sheriffs to appoint Assistant Bailiffs; Power to Chairman to dismiss or suspend such Bailiffs; 6.

Names of Bailiffs to be published; 7.

Form of the Award of Execution in future Decrees; 8.

Form of the Warrant for the Execution of Decrees; 9.

Fees to be taken by the Under Sheriffs according to the Schedule (B.); 10.

Parties demanding Execution of Decrees to lodge with the Under Sheriff a Certificate of the Sum due after all equitable Deductions; Certificate to be filed; and the Sum entered by the Under Sheriff at Foot of the Decree; Fee, 6*d.*; 11.

Under Sheriffs to levy only for the Sum stated in Certificate and marked at Foot of the Decree, together with the Poundage and Keeper's Fees; Party omitting to deliver such Certificate, or wilfully and maliciously overmarking the same, liable to be sued for Damages in the County Court, and not elsewhere; 12.

After a Levy under a Decree, the Under Sheriff entitled to receive the Poundage Fees allowed by this Act on the Amount stated in such Certificate, or on the Amount actually levied, if such Amount be less than that stated in the Certificate; 13.

Where Execution under a Decree is issued against the Body of a Party, the Under Sheriff shall be entitled to receive from the Person demanding Execution, and before he shall execute the

same, the Fee mentioned in Schedule (B.) to the Act, such Fee not to be chargeable against the Party against whom such Execution is issued; 14.

Decrees to be executed by the Under Sheriff with all Expedition, and at the latest within One Calendar Month from their Delivery, unless otherwise directed by the Plaintiff; if not executed within such Period the Under Sheriff, if required, to return such Decree to the Party entitled, with a Statement thereon of the Cause of the Non-execution, such Statement to be binding on the Under Sheriff in the event of any Proceeding being taken against him for Neglect, &c.; 15.

Under Sheriffs or Bailiffs receiving any greater Fees on the Execution of Decrees than those allowed by this Act liable to a Penalty not exceeding 20*l.*; 16.

Bailiffs extorting Money on the Execution of Decrees, &c., guilty of a Misdemeanor; 17.

Under Sheriff or his Bailiffs to execute all Decrees for the Possession of Land; 18.

"Ejectment" Books, and "Decree and Order" Books to be kept by the Under Sheriffs; Particulars to be entered in such Books; 19.

Outgoing Under Sheriff, if not re-appointed, to give a List of Decrees, &c. remaining unexecuted to his Successor; may be fined for Refusal or Neglect to do so; 20.

Under Sheriffs, in the Execution of Decrees, to have the same Powers as High Sheriffs have in executing the Writs of the Superior Courts; 21.

Priority of Executions issuing out of the Superior and County Courts respectively; 22.

Execution by Under Sheriff not to be unlawful by reason of any Irregularity, &c. in the Mode of executing it; Party aggrieved may proceed for any special Damage sustained in the County Court, and not elsewhere; 23.

The High Sheriff not to be liable for the Acts, Defaults, &c. of the Under Sheriff in the Execution of any Duty relating to the County Court; 24.

Rescuing Goods taken in Execution by the Under Sheriff or his Bailiff, or assaulting them in the Execution of their Duty under this Act, a Misdemeanor; 25.

Under Sheriff to attend the County Court; liable to Fine for Neglect of Duty; 26.

Regulating the Sale of Goods or Cattle taken in Execution under a Decree of the County Court; 27.

Power

Power of Under Sheriff or Bailiff to sell by Auction Goods taken in Execution; 28.

Power to appoint a Deputy for the Under Sheriff, as respects the Duties of the County Court under this Act, in case of Illness, &c.; 29.

Execution to be superseded on Payment of Debt and Costs; 30.

Under Sheriff to be sued in County Court only, for Breach of Duty under this Act; 31.

Poundage to Clerks of the Peace on the Fees upon Decrees lodged with them for the Account of the Under Sheriffs; 32.

Repeals Acts as to the Duties of the Sheriff in certain Cases, and substitutes therefor the Under Sheriff; 33.

General Power of Appeal in reference to all Proceedings under this Act; 34.

Judge of Assize, on Appeal, may reserve Questions of Law for the Consideration of the Judges of the Superior Courts; 35.

No Suit to be brought in the Superior Courts on a Civil Bill Decree, &c.; 36.

No Civil Bill to be brought upon any Judgment of a Superior Court, or Decree of a Petty Sessions Court; 37.

Amends the Fiftieth Section of the Civil Bill Act (14 & 15 Vict. c. 57.), by directing the Time within which Executors Accounts should be lodged; 38.

Judge of County Court may issue a Warrant for bringing up a Prisoner to give Evidence; 39.

Power to refer Matters of Account; 40.

Power to Judge of County Court to renew a Decree in Ejectment within Six Months, where Possession is unlawfully retaken by the Defendant after the Execution of the Decree by the Under Sheriff; 41.

Affidavits to be used in County Courts may be sworn before particular Persons named, out of Sessions; in such Cases must be filed by the Clerk of the Peace; Fee to him, 6*d.*; 42.

Re-enacts the Eighty-eighth Section of 14 & 15 Vict. c. 57. (repealed by the 23d and 24th Vict. c. 154.), making the Affidavit of the Landlord or his Agent admissible in Cases of Ejectment for Nonpayment of Rent, for ascertaining the Amount of Rent due where Defendant does not appear to defend the same; 43.

Power to Judge of County Court to adjourn the Hearing of a Case to another Division of the County, where it may appear just and convenient to do so; 44.

Power of Amendment of Processes; 45.

Power of Magistrates at the General Quarter Sessions to amend, in certain Cases, the Orders or Convictions of Magistrates on Appeal therefrom; 46.

Power to take fresh Recognizances on Appeals, in certain Cases, where those entered into may be defective in Form; 47.

Power to give Costs where Appeals taken, and not proceeded with; 48.

Expenses to be allowed to Witnesses, as Judge of the County Court shall direct; Limit, 5*l.*; 49.

Provisions as to Service of Process out of the County where the Cause is to be heard; 50.

Incorporates this Act with recited Acts; 51.

Existing Decrees to remain in force, and to be executed with annexed Warrants, as directed by this Act; 52.

General Rules may be made from Time to Time; 53.

Schedules to be Part of this Act; 54.

Repeals certain Parts of Acts, as in Schedule (C.); 55.

Prohibits any Under Sheriff from practising before any Judge of a County Court or Chairman in Ireland; Penalty, 100*l.*; 56.

SCHEDULES.

(Ireland.)

A

BILL

TO

Amend the Procedure of the County Courts in Ireland.

WHEREAS it is expedient to amend the Course of Procedure in the County Courts in Ireland, and to make Provision for the better Execution of the Decrees and Orders of the said Courts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Provisions of this Act shall come into operation on the *First Day of March One thousand eight hundred and sixty-five.* Commencement of Act.

2. This Act may be cited for all Purposes as "The County Courts Procedure Amendment Act (Ireland), 1864." Short Title.

3. In the Construction of this Act the following Words and Expressions shall have the Force and Meaning hereby assigned to them, unless there be something in the Subject or Context repugnant thereto: Interpretation of Terms.

The Word "Person" or "Party" shall extend to and include any Body Politic, Corporate, or Collegiate, whether aggregate or sole, and any public Company:

The Word "Lands" shall include Houses, Messuages, and Tenements, and Premises, whether corporeal or incorporeal; and the Word "Premises" shall include Lands, Houses, and Tenements, corporeal or incorporeal:

The Word "County" shall extend to and include a County of a City, a County of a Town, a Town, a City, a Borough, and a Riding of a County:

The Word "Decree" shall include a Dismiss, or any Renewal of a Decree or Dismiss, or any Order of the County Courts for the Payment of Money, or any Warrant, or any "Order" for or "Writ of Restitution" issuing out of or awarded by said Courts:

The Word "Defendant" shall mean also the Person or Party whose Body, Goods, or Chattels may be liable to be taken under any Decree, Dismiss, Renewal, or Order of the said County Courts:

The Word "Bailiff" shall mean any Bailiff duly appointed by the Under Sheriff under and in pursuance of this Act, and shall include any Person assisting the Under Sheriff or such Bailiff, with the Authority and in the Presence of such Under Sheriff or Bailiff, in the Execution of any Decree, Dismiss, Renewal, Order, Writ, or Warrant of the said County Courts:

The Expression "County Court" shall mean the Court for the hearing of Civil Bill Causes held in the several Counties of Ireland:

The Expression "Judge of the County Court" shall include the Chairman of the Court of General Quarter Sessions for the County; and the Expression "Chairman" shall mean the Chairman of the Quarter Sessions of the County, and shall include the Judge of the Court for hearing Civil Bill Causes of the County; and the Expressions "Judge of the County Court" and "Chairman" shall respectively extend to and include the Recorders of the City of Dublin and Borough of Cork, and the Recorder of any Borough or Town in Ireland, under the Act passed in the Third and Fourth Years of Her Majesty's Reign, intituled "An Act for the Regulation of "Municipal Corporations in Ireland," and their Deputies, lawfully appointed:

The Expression "Clerk of the Peace" shall include the Acting or Deputy Clerk of the Peace, Registrar, or other Officer of the County or Recorders Courts, lawfully discharging the Duties of a Clerk of the Peace, either in a County, County of a City, or County of a Town:

The Expression "Process of the Court" shall include any Decree, Dismiss, Renewal, Order, or Writ, or other Proceeding of the County Courts:

The

The Word "Plaintiff" shall include, in addition to the Plaintiff in any Decree, such Person as may by any Decree, Order, or Writ of the County Court be entitled to receive the Possession of any Land, Chattel, or Money:

The Expression "Lord Lieutenant" shall include the Lords Justices of Ireland.

Under Sheriff to give Security for the Performance of his Duties under this Act.

4. Every Person who shall, after the *First Day of January One thousand eight hundred and sixty-five*, be appointed Under Sheriff of any County, shall, within Ten Days after his Appointment, and before he shall exercise or in any Manner execute the Duties of the said Office, enter into a Recognizance to Her Majesty, Her Heirs and Successors, before the Lord Chief Baron or any One of the Barons of the Court of Exchequer in Ireland, or before a Master Extraordinary of the said Court, who are hereby authorized and required to take such Recognizances, together with Two or more solvent Sureties, not exceeding Four in Number, in the Form specified in the Schedule (A.) to this Act annexed, or as near thereto as may be, and in the Sum therein mentioned in respect of such County, conditioned for the due Performance of his Duties as such Under Sheriff under this Act, and for the duly accounting for and Payment of all Monies received by him or by his Bailiffs for which he may be liable to account, or which he may become liable to pay for any Misbehaviour in his Office under this Act; such Recognizance and the Sureties therein named to be approved, before the same shall be acknowledged, by the Clerk of the Peace of the County, by Writing under his Hand, or if the said Clerk of the Peace shall object to the said Sureties, then by the Chairman of said County, whose Decision thereon shall be final, which Recognizance shall not be liable to any Stamp Duty, and shall, within One Month after the taking thereof, be returned into Her Majesty's Court of Exchequer, for the recording whereof shall be received the Sum of *Two Shillings and Sixpence*, and no more; and if any such Under Sheriff shall execute the Duties of the said Office, or in any way officiate therein, before he shall have entered into such Recognizance, to be so approved of as aforesaid, such Under Sheriff shall forfeit and pay for every such Offence the Sum of *Twenty Pounds*, to be recovered by any Person who shall sue for the same; and it shall be lawful for the Lord Lieutenant, in default of such Security being duly entered into within such Period, by Notice to be published in the Dublin Gazette, to declare the Appointment of such Under Sheriff to be void.

Decrees of the County Courts to be

5. All Decrees of the several County Courts of Ireland which shall have been signed before the Commencement of this Act, and

executed by the Under Sheriffs and their Bailiffs.

remaining unexecuted, and all Decrees of such Courts hereafter to be signed by the Judges of the said Courts, shall be executed by the Under Sheriffs of the several Counties, Counties of Cities and of Towns respectively, or by their Bailiffs appointed under this Act, and by no other Persons; and the said Under Sheriffs shall be entitled to receive all Fees, and Sums of Money allowed by this Act in the Name of Fees, payable to the Under Sheriff, out of which they shall provide for the Execution of the Duties for which such Fees are allowed, and for the Payment of the Bailiffs appointed to assist them under this Act; and every such Under Sheriff shall, save as herein-after otherwise specially provided, be responsible for his own Acts and Defaults, and for the Acts and Defaults of his Bailiffs in the Execution of the Duties imposed on him by this Act, as the Sheriff of any County in Ireland is responsible for his Acts and Defaults, and for the Acts and Defaults of his Officers in the Execution of any Writ or Process out of the Superior Courts in Ireland: Provided that whenever the Under Sheriff shall be a Party in any Civil Proceeding, and that any Decree shall be made therein against him, it shall be lawful for the Judge of such County Court to appoint a Special Bailiff to execute such Decree, and the Precept of the Clerk of the Peace shall be directed to such Special Bailiff, who shall be entitled to receive the Bailiff's Fees for executing the same.

Under Sheriffs to appoint Assistant Bailiffs.

6. The Under Sheriff of each County, County of a City, and County of a Town in Ireland shall, within *One Week* after the Commencement of this Act, and from Time to Time thereafter as Occasion shall require, appoint, by Writing under his Hand, a sufficient Number of Persons to be Bailiffs to assist the said Under Sheriff in the Execution of the Duties imposed on him by this Act; and it shall be lawful for the Under Sheriff, at his Pleasure, to dismiss all or any of such Bailiffs, and appoint others in their Stead; and every Bailiff so appointed may also be suspended or dismissed by the Chairman of such County, and shall in such Case be incapable of being re-appointed, without the Consent in Writing of such Chairman: Provided that the Appointment of such Bailiffs shall not be vacated by the Death or Removal from Office of the Under Sheriff, but the Acts of such Bailiffs done after the Death or Removal of the Under Sheriff shall be as valid as if such Under Sheriff had not died or been removed, and the said Bailiffs shall continue to act until they shall be dismissed by the succeeding Under Sheriff or by the Chairman of the said County, and the succeeding Under Sheriff shall be liable for all the Acts and Defaults of such Bailiffs, committed after his Appointment, as herein-before mentioned.

7. The

Names of Bailiffs to be published.

7. The Name and the Place of Abode of every Bailiff to be so appointed from Time to Time by the Under Sheriff, and the Name and Place of Abode of every Bailiff who may be so dismissed or suspended as aforesaid, shall be published within One Fortnight from the Date of such Appointment, Suspension, or Dismissal, in some One or more public Newspaper or Newspapers published or circulated within the County, and shall be otherwise promulgated by the Under Sheriff, in such Manner as to the Chairman of the County shall seem expedient; and a List of the Bailiffs for the Time being shall be at all Times posted and kept open for public Inspection in the Office of the said Under Sheriff.

Form of Award of Execution in Decree.

8. The Award of Execution in every Decree for the Payment of any Debt, Damages, Expenses, or Costs shall be in the following Form, instead of the Award of Execution heretofore used:

"And the several Under Sheriffs of the respective Counties in "Ireland are hereby commanded, notwithstanding any Liberty within "their Bailiwicks, to enter the same and take in Execution the "[Body *or* Goods, *as the Case may be*] of the Defendant[s]."

And on every such Decree there shall be printed, either at the Foot or on the Back, a true Copy of the Fees payable to the Under Sheriff for executing Decrees, and to the Keepers for the Charge of the Goods seized, as specified in Part II. of Schedule (B.) to this Act annexed, and also a Copy of the Sixteenth Section of this Act.

Form of Warrant for Execution of Decree.

9. The Warrant to be added to all Decrees to be executed after the Commencement of this Act, whether such Decrees shall have been signed before or shall be signed after the Commencement of this Act, shall, instead of the Form to a Special Bailiff of the Plaintiff's Nomination heretofore used, be in the Form following:

'County of } 'I authorize and empower *A.B.* of
'to wit. } ' and *C.D.* of , Bailiffs, or either of
'them, and their Assistants, to execute the above Decree.
'Given under my Hand and Seal, this Day of ,
'186 .

'*L.M.*, Under Sheriff of the said County.

'The Sum to be levied hereunder is £ .

'*L.M.*, Under Sheriff."

And it shall not be lawful to address such Warrants to any other Persons than the Bailiffs to be appointed by the Under Sheriffs of the several Counties, Counties of Cities and of Towns, under and in pursuance of this Act: Provided that such Warrant, if duly signed by the then existing Under Sheriff, shall, whilst such Decree shall remain in force, be a sufficient Authority for the Execution of the same,

same, notwithstanding that such Under Sheriff may have been removed from Office, and that such Warrant shall not have been signed by his Successor.

Fees to be taken by Under Sheriffs according to the Schedule (B.)

10. There shall be payable to the Under Sheriffs of the several Counties, Counties of Cities and of Towns, for the Performance of the Duties imposed on them by this Act, the Fees specified in respect of such Duties in the Schedule (B.) to this Act annexed, and none other; and a Table of such Fees shall be placed and maintained in some conspicuous Place in every Court-house where Civil Bill Causes shall be heard, and in the Offices of the Under Sheriffs and of the Clerks of the Peace of the several Counties; and it shall be lawful for the Grand Jury of every County, and they are hereby required, at any Assizes to be held in and for such County, without previous Application to Presentment Sessions, to present the reasonable and actual Expenses of preparing, exposing, and maintaining such Table of Fees, to be raised off such County, and to be paid to the Under Sheriff.

Party demanding Execution to lodge Certificate of Sum due.

11. No Under Sheriff shall, for executing any Decree, demand or receive Fees on any larger Sum than shall be certified in Writing to be justly due thereon by the Party on whose Behalf such Execution shall be demanded, or his Attorney, known Agent, or Receiver; and the Party demanding such Execution shall, at the Time when he shall so demand the same, lodge with the Under Sheriff a Certificate under his Hand, or under the Hand of his Attorney or known Agent or Receiver, stating the Sum then claimed to be due on Foot of such Decree, by the Party by whom such Execution is demanded, after all equitable Deductions; which Certificate shall be filed in the Office of the said Under Sheriff, and the Sum therein stated shall be entered in the "Decree and Order Book," hereinafter mentioned, and also at the Foot of the Decree when delivered for Execution, for all which the Fee of *Sixpence* shall be paid to the Under Sheriff, by the Party demanding such Execution.

Under Sheriff to levy only for Sum stated.

12. No Under Sheriff shall levy for any greater Sum than shall be entered at the Foot of the said Decree, together with the Poundage Fees on the Sum so entered, or on such Portion thereof as shall be actually levied, with the Keeper's Fees, according to the Scale specified in Part II. of Schedule (B.) to this Act annexed; and no Decree shall be executed at the Foot of which such Entry shall not have been made as aforesaid; and if the Party demanding such Execution, or his Attorney or Agent, shall neglect or omit to deliver such Certificate as aforesaid, or shall appear wilfully, fraudulently, and maliciously, in such Certificate, to have overcharged the Party

Party against whom such Execution shall issue, the Party at whose Suit such Execution shall be demanded shall forfeit to the Party aggrieved such Damages, to be recovered by Process in the said County Court and not elsewhere, as to the Judge of the said Court shall appear reasonable; which Court shall have Jurisdiction and is hereby authorized to hear and determine such Actions, whatever may be the Amount claimed therein, and to decree accordingly, with the same Right of Appeal to either Party as in the Case of an ordinary Civil Bill.

Under Sheriff to receive the Poundage Fees on a Levy upon the Goods of a Party.

13. Upon every Levy under a Decree by Execution against the Goods of a Party, the Under Sheriff shall and may, after such Execution executed, demand and take therefor the Poundage Fees mentioned in that Behalf in Part II. of Schedule (B.) to this Act annexed, on such Sum as shall appear to be due by the Entry at Foot of such Decree, or if the Goods taken shall not amount in Value to the Sum so stated at Foot of such Decree, then on so much only as the Goods so taken shall be valued at or amount to, and as he shall levy and pay over to the Party demanding such Execution.

Fee to Under Sheriff from Party demanding Execution against the Body of a Party.

14. Upon every Warrant under a Decree for Execution against the Body of a Party there shall be payable to the Under Sheriff the Fee specified in that Behalf in Part II. of Schedule (B.) to this Act annexed, to be paid in the first instance by the Party on whose Behalf such Execution shall be demanded, on or before the Delivery of such Decree to the Under Sheriff for Execution; and in default of such Payment the Under Sheriff shall be at liberty to refuse to execute the same; and such Fee shall not be chargeable against or payable by the Party against whom such Execution shall be issued.

Decree to be executed within One Month, or returned, with a Statement of the Reasons for its Non-execution.

15. The Under Sheriff shall, unless where otherwise specially directed, as herein-after mentioned, execute every Decree delivered to him as aforesaid, and hand over the Proceeds thereof to the Party on whose Behalf Execution shall be demanded, or his Attorney thereto lawfully authorized, with all Expedition, and at the latest within *One Calendar Month* after the said Decree shall be delivered to him for Execution; and if the said Under Sheriff shall within the said Period of *One Month* be unable, from sufficient legal Causes, to execute the said Decree, he shall, at the Expiration of the said Period, if required so to do by the Party who shall have delivered the same to him for Execution, or his Attorney thereto lawfully authorized, return the said Decree to such Party or to his Attorney, and state in Writing on the Back of the Decree the Cause

of the Non-execution thereof, by which Statement the Under Sheriff shall be bound in any Proceeding taken against him for Neglect of Duty: Provided that if the Under Sheriff shall execute any Decree before the Expiration of the said Period of *One Month*, nothing herein contained shall authorize him to retain the Proceeds so levied until the Expiration of such Period; and provided further, that nothing herein contained shall prevent the Under Sheriff from executing any Decree after the Expiration of *One Month* from the Time of its Delivery to him for Execution, so long as the said Decree shall be in force.

Penalty on Under Sheriff or Bailiff receiving other than the Fees allowed.

16. Any Under Sheriff or any Bailiff empowered to execute a Decree, or any Assistant of such Under Sheriff or Bailiff, who shall demand or receive from any Person, on the Execution of such Decree, any Money or Gratuity, other than the Poundage Fees legally payable on the Execution thereof, as in this Act mentioned, and the Keeper's Fees, in case of a Seizure of Goods thereunder, as specified in Part II. of Schedule (B.) to this Act annexed, or who shall knowingly permit or suffer any One on his Behalf to receive the same, shall be liable to pay a Sum not exceeding *Twenty Pounds* to any Person who may sue for the same by Civil Bill.

Bailiff extorting guilty of a Misdemeanor.

17. If any Bailiff, or any Person assisting such Bailiff, acting under a Decree of a County Court, or under colour of the Process of such Court, shall extort any Money, Security for Money, Chattel, or other Thing, such Person so offending shall be guilty of a Misdemeanor, punishable by a Fine not exceeding *Twenty Pounds*, or by Imprisonment not exceeding *Twelve Calendar Months*, with or without Hard Labour, or by both Fine and Imprisonment; and in any Indictment for such Offences it shall only be necessary to aver that the Party charged with the Offence was a Bailiff of the County Court of the particular County, or a Person assisting such Bailiff, and that under or under colour of the Process of such County Court he did extort Money, or a Security for Money, or some Chattel, as the Case may be.

Under Sheriff or his Bailiffs to execute all Decrees for Possession of Land.

18. All Decrees for the Possession of Land, and all Orders made by any Judge of Assize upon Appeal from any Decree relating to the Possession of Land, and under which the Possession of Land may be given or taken, shall be executed by the Under Sheriff of the County in which the said Lands or any Part of them are situated, or by his Bailiffs, and not by any other Person, and the Under Sheriff shall himself or by his Bailiffs execute such Decrees and Orders within *Twenty-one* Days after the same shall have been delivered to him for Execution, unless otherwise directed by the Party

Party delivering the same, and such Decree or Order shall justify the Under Sheriff or his Bailiffs in entering upon the Premises named therein, with such Assistants as he or they shall deem necessary, and in taking and giving possession thereof accordingly; and in every Decree for the Possession of Land the Under Sheriff shall be commanded to put the Plaintiff into the Possession of the same: Provided always, that no Entry shall be made upon any Premises under any Decree or Order for the Purpose of taking possession thereof except between the Hours of *Nine in the Morning* and *Three in the Afternoon*, and no such Entry shall be made on a Sunday, Good Friday, or Christmas Day; and whenever the Under Sheriff shall be a Party to any Proceeding in Ejectment by Civil Bill, the Decree for Possession in such Proceeding shall not be executed by the Under Sheriff, but such Decree or Order as herein-before mentioned shall be directed to a Special Bailiff, to be named by the Judge of the County Court, who shall be commanded to execute the same, and no other Person shall execute the same; and such Special Bailiff shall have all the Powers and Authority hereby conferred on the Under Sheriff for giving or taking possession under any Decree or any such Order of a Judge of Assize on Appeal.

Under Sheriff to keep "Ejectment" and "Decree and Order" Books.

19. The Under Sheriff of each County shall enter in a Book, to be kept by him for that Purpose, and which shall be called the "Ejectment Book," the several Decrees in Ejectment which shall be delivered to him for Execution, specifying the Names of the Parties therein, the Names of the Lands and the Barony in which the same are situated, the Date of the Decree, and the Date at which the same was delivered to him for Execution, and in Cases for the Non-payment of Rent the Sum ascertained by such Decree as due for Rent, and shall state in the said Book the Time when such Decree shall have been executed, or if it shall not have been executed the Cause of the Non-execution thereof; and the Under Sheriff shall also keep a Book, to be called the "Decree and Order Book," in which he shall enter the several Decrees, other than those last mentioned, given to him for Execution, specifying the Names of the Parties therein, the Sums due on Foot thereof, as stated by the Person delivering the same, and the precise Time and Hour at which such Decrees were delivered to him for Execution, such Time and Hour of Delivery to be in all Cases endorsed by him on the said Decrees, and shall enter in the said Book the Time at which the said Decrees were executed, and the Sum (if any) and Poundage Fees levied thereunder, and if such Decrees shall not have been executed the Cause of the Non-execution thereof; and when more than One Decree shall be given to him for Execution against the same Person, the Under Sheriff shall execute such Decrees in the Order of Time in

which the same shall have been respectively delivered to him; and whenever the Under Sheriff shall not execute any such Decree in Ejectment, he shall endorse on such Decree the Reason why the same was not so executed, and shall, at the Request of the Plaintiff or such other Person as may be entitled to demand the same from him, deliver back such Decree to the Plaintiff or such other Person, when required by him so to do; and the Under Sheriff shall produce the said Books for the Inspection of the Judge of the said County Court, or of the Clerk of the Peace, whenever he shall be required by the said Judge or by the Clerk of the Peace, after reasonable Notice so to do.

Outgoing Under Sheriff, if not re-appointed, to give a List of Decrees, &c. remaining unexecuted, to his Successor.

20. The Under Sheriff of every County, County of a City or County of a Town, shall, within *One Week* after the Expiration of his Term of Office, if he shall not be re-appointed thereto, deliver to the incoming Under Sheriff a correct List under his Hand of all Decrees and other Processes in his Hands not wholly executed by him, with all such Particulars as shall be necessary to explain to the incoming Under Sheriff the several Matters intended to be transferred to him, and shall thereupon transfer to the incoming Under Sheriff all such Decrees and Processes, and all Records, Books, and Matters connected with the County Court of such County, and relating to his Duties under this Act; and the incoming Under Sheriff shall thereupon sign and give a Duplicate of such List to the Under Sheriff retiring from Office, to whom the same shall be a sufficient Discharge from the further Execution of the Decrees, Processes, and other Matters therein contained; and the incoming Under Sheriff shall thereupon stand charged with the Execution and Care of the said Decrees, Processes, and other Matters contained in the said List, as fully and effectually as if such Decrees and Processes had been made over to him by Indenture and Schedule; and if any Under Sheriff shall refuse or neglect, on the Expiration of his Term of Office, in failure of his Re-appointment thereto, to deliver such List within such Period as aforesaid, or shall wilfully make out an untrue or incorrect List, or shall refuse or neglect to transfer such Decrees and Processes, Records, Books, and Matters, in manner aforesaid, it shall be lawful for the Judge of the said County Court, on Complaint made to him in Court by the incoming Under Sheriff as to any of the said Matters, after Notice given to such outgoing Under Sheriff *Six clear Days* before such Application, and upon Proof of such Refusal or Neglect as aforesaid in any of such Particulars, to fine the said outgoing Under Sheriff in any Sum not exceeding *Fifty Pounds*; and every such outgoing Under Sheriff so neglecting or refusing to perform any of the Particulars aforesaid shall be further liable to make

make such Satisfaction, by Damages and Costs, to the Party aggrieved thereby, as he, she, or they shall sustain by such Neglect or Refusal, such Damages to be recovered in the ordinary Way by Process in the said County Court, and not elsewhere.

Under Sheriffs, in Execution of Decrees, to have the same Powers as High Sheriffs have in executing the Writs of the Superior Courts.

21. The Under Sheriff of each County in Ireland and his Bailiffs shall have in the Execution of the Decrees of the County Court of such County all the Powers, Privileges, and Rights which the Sheriffs of the several Counties in Ireland have or are entitled to in the Execution of all Writs delivered to them for Execution out of the Superior Courts in Ireland; and all Constables and other Peace Officers within their several Jurisdictions, and all and every other Person or Persons whom the Sheriff of the County would be entitled to call upon to assist him in the Execution of any Writ, shall to the same Extent be liable to assist the Under Sheriff in the Execution of any Decree of the County Courts.

Priority of Executions issuing out of Superior Court and County Court.

22. When a Writ against the Goods of a Party shall have issued from a Superior Court, and a Decree against the Goods of the same Party shall have issued from the County Court, the Priority of Right to the Goods seized under such Writ and Decree shall be determined by the Priority of the Delivery of such Writ and Decree to the Sheriff and Under Sheriff, or to either of them respectively.

Execution not to be unlawful by reason of any Irregularity in the Mode of executing it.

23. The Under Sheriff or his Bailiffs, in executing any Decree of the County Court, shall not be deemed Trespassers by reason of any Irregularity or Informality in the Form of such Decree, or in the Mode of executing it, but the Party aggrieved may proceed by Process in the County Court, and not elsewhere, for the special Damage which he may have actually sustained by such Irregularity or Informality, against the Under Sheriff or the Bailiff guilty thereof; and he shall be entitled to no Costs of such Process unless the Sum awarded to him by the Decree of the Judge of the said County Court, or of the Judge of Assize on Appeal, shall exceed *Twenty Shillings*.

Sheriff of County not to be answerable for the Acts or Defaults of the Under Sheriff or Bailiff in the Duties imposed by this Act.

24. The Sheriff of any County shall not be liable for any Act, Neglect, Default, or Irregularity committed by the Under Sheriff of the said County or his Bailiffs in the Execution of any Process or of any Duties relating to the County Court of said County.

Rescuing Goods, or assaulting Under Sheriff or Bailiff in the

25. Whosoever, with Intent to hinder the Execution of any Decree of a County Court, shall, by Violence or Threat of Violence to or Restraint of the Person of any Under Sheriff or Bailiff when executing such Decree, compel or induce such Under Sheriff or

Execution of their Duty, a Misdemeanor.

Bailiff to abandon any Seizure of the Person or Goods of the Person against whom such Decree shall have been obtained, previously made by such Under Sheriff or Bailiff while in the Execution of such Decree, or who shall rescue or attempt to rescue the Body or Goods of any such Person taken under a Decree of such County Court, shall be guilty of a Misdemeanor, and, upon Conviction thereof, shall be liable to be imprisoned for a Period not exceeding *One Year*, with or without Hard Labour.

Under Sheriff to attend the County Court.

Liable to Fine for Neglect of Duty.

26. The Under Sheriff of each County shall attend every Sitting of the County Court of such County, except when his Absence shall be allowed by the Judge of the Court, and shall, in the Execution of his Duties, conform to all such General Rules as shall be from Time to Time made for regulating the Proceedings of the Court, as herein-after provided, and, subject thereto, to the Orders and Directions of the Judge of the Court, and shall during the Sittings of the County Court provide a sufficient Number of Bailiffs to perform such Duties as the Judge of the said Court shall consider necessary for the due and orderly Administration of Justice; and it shall be lawful for the Judge of the said County Court, from Time to Time as there shall be Occasion, to fine the Under Sheriff of the said County who shall be guilty of any Misconduct, or any Breach or Omission of Duty, in the Execution of this Act or otherwise, in any Sum not exceeding *Twenty Pounds*.

Regulating the Sale of Goods taken in Execution.

27. No Goods or Cattle which shall be taken in Execution under any Decree of a County Court shall be sold until after the End of *Three clear Days* at least next following the Day on which such Goods or Cattle shall have been so taken, unless such Goods be of a perishable Nature, or upon the Request in Writing of the Party whose Goods or Cattle shall have been so taken, and such Goods or Cattle shall not be removed to any Place more than *Five Miles* distant from the Place where they were taken; and it shall be lawful for the Under Sheriff from Time to Time to appoint such Persons as he shall think proper for keeping possession of Goods or Cattle so taken in Execution; and the Under Sheriff shall be entitled to receive and retain out of the Proceeds of the Sale of all Goods or Cattle taken in Execution, and sold by him or by his Bailiffs, a Sum of Money for the Expenses of the Bailiffs or Persons in charge of the Property taken (if such Property shall remain in their Charge), over the Amount entered at Foot of the Decree, at the Rate of *One Shilling and Sixpence* for each Bailiff or Person for every *Twenty-four Hours* that he shall be so in charge: Provided always, that the Number of Bailiffs or Persons for whom the said Under Sheriff may so charge shall not exceed *Two*, and the Length

of

of Time for which he shall so charge shall not exceed *Five Days*; and the said Cattle or Goods shall be sold by public Cant to the highest and best Bidder, between the Hours of *Ten in the Forenoon* and *Three in the Afternoon* on such Day after such *Third* Day as aforesaid, and at such Place, as the Under Sheriff or his Bailiffs shall appoint, first causing Notice in Writing, entitled in the Cause, of the Time and Place intended for such Sale, to be posted up *Two clear Days* previous thereto in the Market Town next to the Place of such intended Sale, at the usual Place for posting public Notices there.

Power of Under Sheriff or Bailiff to sell by Auction Goods taken in Execution.

28. The Under Sheriff or One of his Bailiffs shall have Authority to sell Goods taken in Execution by him or any Bailiff, without the Assistance of a Licensed Auctioneer: Provided always, that the Under Sheriff shall be answerable for the proper Care and Sale of the Goods so taken, to the same Extent as Sheriffs in Ireland are answerable for the Care and Sale of Goods taken in Execution by them under Writs out of the Superior Courts.

Power to appoint a Deputy for the Under Sheriff as to the Duties of the County Court in case of Illness, &c.

29. It shall be lawful for the Under Sheriff of any County, with the Approval of the Judge of the County Court of such County, or in case of the Inability of the Under Sheriff to make such Appointment, for the Judge of the Court to appoint from Time to Time a Deputy to act for the Under Sheriff in the Execution of the Decrees and other Proceedings of the said County Court, when he the said Under Sheriff shall be prevented by Illness, unavoidable Absence, or any other Necessity, from acting in his Office of Under Sheriff in relation to the Duties of such County Court, as hereby or otherwise imposed on him, and upon the Necessity for appointing such Deputy the Judge of the said County Court shall alone decide; and such Deputy, while acting under such Appointment, shall have the like Powers and Privileges, and be subject to the like Provisions, Duties, and Penalties for Misbehaviour, in relation to the Execution of the Duties of the said County Court, as if he were the Under Sheriff for the Time being, and shall be entitled to receive and take for his own Use the Fees by this Act provided for such Under Sheriff; and such Deputy may be removed from Time to Time by the Judge of the said Court at his Pleasure, and another thereupon appointed in manner aforesaid.

Execution to be superseded on Payment of Debt and Costs.

30. If the Party against whom an Execution under a Decree of the County Court shall be issued shall, before an actual Sale of his Goods seized thereunder, pay or tender, or cause to be paid or tendered to the Under Sheriff, or to the Bailiff employed to execute the Decree, the Amount specified to be levied at the Foot of such

Decree, or such Part thereof as the Person entitled thereto shall agree to accept in full or in part Payment of his Debt, together with the Poundage Fees and Charges to the Bailiffs in care of the same, legally payable under this Act, the Execution of the said Decree shall be superseded or suspended, as the Case may be, for such Time as the Person entitled thereto shall direct, and the Goods of the said Party shall be released; and any Person taken into Custody under any such Decree who shall have satisfied the Debt and Fees, or such Portion thereof as aforesaid, shall be discharged from Custody, but shall be liable to be again taken, notwithstanding such Discharge, for the Residue, if any, which shall remain due on such Decree, provided such Residue shall, exclusive of the Costs, exceed *Ten Pounds*.

Under Sheriff to be sued in County Court only for Breach of Duty under this Act.

31. No Action or other Proceeding shall be brought in any of the Superior Courts of Common Law against the Under Sheriff of any County or his Bailiffs for any Act or Neglect or Default of such Under Sheriff or such Bailiffs in the Execution of the Office or Duties of such Under Sheriff in relation to the County Court of the said County, or any Process or Execution issuing from the same, but such Action or Proceeding shall be brought in the County Court of the County for which such Under Sheriff is appointed, and not elsewhere; and such Court shall have Jurisdiction, and is hereby authorized to hear and determine such Action or Process, whatever may be the Amount claimed therein, and to make a Decree for such Sum, either with or without Costs, as to such Court shall seem fit, although such Sum may exceed *Forty Pounds*: Provided always, that if any Action or Process shall be brought in such County Court against such Under Sheriff, and if either Party to such Suit shall be entitled to have and shall demand to have the same tried by a Jury, the Judge of the County Court in which the said Suit shall be then pending shall, at the Request of either Party thereto, make an Order that the Cause shall be sent for Hearing to the County Court of some adjoining County, and the Clerk of the Peace shall make out an Order to that Effect, and such Cause shall be entered for Hearing and heard as an ordinary Civil Bill in the County Court to which the same shall be so sent; and upon the Production of such Order the Judge of the County Court to which such Cause shall be sent shall have Power to try the same, though neither Party to such Cause shall reside within his County; and the Warrant for Execution of such Decree shall be signed by the Under Sheriff of the County in which the same shall be heard, and shall be directed to such Persons as the Judge of the Court from which such Cause shall have been originally transmitted shall specially appoint for such Purpose: Provided always, that the Production of such

Order

Order for Hearing, as herein-before mentioned, shall be Proof that the Process was duly served; and a Jury may be summoned in the County to which such Cause shall be sent in the ordinary Manner, and it shall not be lawful for any Under Sheriff to summon a Jury to try any Case in which he may be a Party.

Clerks of Peace to retain a Poundage on the Fees lodged with them for the Account of the Under Sheriffs.

32. And whereas it is fit that the Clerks of the Peace should be indemnified for the Trouble and Responsibility imposed on them by this Act in receiving the Fees mentioned in Part I. of Schedule (B.) to this Act annexed, for the Account of the Under Sheriff, on issuing the Decrees of the County Court: Be it enacted, That the Clerks of the Peace shall be at liberty to retain for their own Use *One Penny* out of each Shilling to be so paid to them for the Account of the Under Sheriff on issuing the said Decrees.

Repealing Acts as to the Duties of the Sheriff in certain Cases, and substituting therefor the Under Sheriff in relation to the County Courts.

33. And whereas by the Provisions of "The Landlord and Tenant Law Amendment Act, *Ireland*, 1860," (Section Sixty-five,) a Defendant in a Decree for Possession in Ejectment for Nonpayment of Rent is entitled to have the Execution of such Decree stayed, upon Payment to the Sheriff of the Sum marked thereon for Rent and Costs: Be it enacted, That such Defendant shall be entitled to have such Decree stayed, upon Payment of such Sum for Rent and Costs to the Under Sheriff; and the Duties directed to be performed by the Sheriff or his Officer or Bailiff, in the said Act (Section Ninety-four), shall be performed by the Under Sheriff or his Bailiffs duly authorized under this Act, and not by the Sheriff or his Officer or Bailiff; nor shall it be necessary that the Sheriff or his Officer shall attest the Attornments or Acknowledgments at Foot of Forms No. 6. and No. 7. in the Schedule (A.) to said Act annexed, but the same shall be attested by the Under Sheriff or his Bailiff employed to execute said Decree; and the Under Sheriffs of the respective Counties, by themselves or their Bailiffs, shall execute the Decrees for Possession in lieu of the Sheriffs, as in the Ninety-eighth and Ninety-ninth Sections of the said Act is mentioned; and whenever, by any Act of Parliament, the Sheriff of any County in Ireland, by himself or by his Officers or Bailiffs, is ordered, directed, or empowered to execute any Civil Bill Decree, or Decree of the County Court, or to do any other Matter in relation to any Civil Bill Proceeding, such Act, so far only as relates to the Sheriff or his Officers or Bailiffs executing such Decree, or doing any Act so exclusively relating to any Civil Bill Proceeding, is hereby repealed; and such Act or Matter so directed to be done by such Sheriff, or his Officers or Bailiffs, shall be done by the Under Sheriff of the County, or by his Bailiffs, when duly empowered by the Under Sheriff to act; and the Under Sheriff of the County and his Bailiffs are hereby

authorized and empowered to act, though the said Decree or Proceeding shall, on the Face of it, be directed to the Sheriff; provided that nothing herein contained shall affect anything heretofore done, or which, before this Act shall come into operation, may be done by the Sheriff, or his Officers or Bailiffs.

General Power of Appeal in all Proceedings under this Act.

34. In any Case where any Party shall be dissatisfied with the Judgment or Decree of the Judge of the County Court in respect of any Proceedings which may be instituted under or by virtue of this Act, it shall be lawful for such Party to appeal against such Judgment or Decree, in like Manner, and upon the like Terms and Stipulations, as Appeals in other Cases are allowed to be brought under or by virtue of the Acts now in force relating to Proceedings by Civil Bill.

Judge of Assize on Appeal may reserve Questions of Law for the Consideration of the Judges of the Superior Courts.

35. It shall be lawful for any Judge of Assize, or any Person duly appointed to act as such, to reserve any Question of Law arising upon the Hearing of any Civil Bill Appeal for the Consideration of the Judges, and thereupon to direct that a Case shall be stated for the Opinion of One of the Superior Courts of Law, to be named by such Judge, such Case to be signed by the Judge, and to be set down for Argument by the Appellant within *Ten Days* after the same shall have been so signed; and the said Court shall decide upon the Question of Law so reserved, and reverse or affirm the Decree, in the same Manner as the Judge so reserving such Question might or could have done, with or without Costs; and if the Appellant shall fail to set down the Case within the Time above mentioned, the Decree shall stand confirmed, with Costs.

No Suit to be brought in the Superior Courts on a Civil Bill Decree, &c.

36. No Action or other Proceeding shall be brought in the Superior Courts of Common Law in Ireland upon any Decree of any County Court; but nothing herein contained shall be deemed to repeal or alter the Seventeenth and Eighteenth Sections of the Act passed in the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and four, for filing and enrolling, as Judgments of the Superior Courts, Civil Bill Decrees for the Recovery of Poor Rates.

No Civil Bill to be brought upon any Judgment or Decree of a Superior or Petty Session Court.

37. It shall not be lawful for any Person who shall have obtained a Judgment in any of the Superior Courts at Law, or a Decree or Order of any Petty Sessions Court in Ireland, to sue by Civil Bill in the County Courts of Ireland upon such Judgment, Decree, or Order, nor to proceed by Civil Bill for the Recovery of any Money which was the Subject of the Suit upon which such Judgment, Decree, or Order was obtained.

38. And

Amending the 50th Section of 14 & 15 Vict. c. 57., by directing the Time within which Executors Accounts should be lodged.

38. And whereas Provision is not made in the Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, Section Fifty, for the Time within which Executors and Administrators should lodge the Accounts and Schedules in the said Section of the said Act mentioned: Be it enacted, That such Executor or Administrator shall lodge with the Clerk of the Peace such Schedule or Schedules or Accounts within *One Calendar Month* after he shall have been called on in Writing to do so, by any Person entitled to demand that the same should be lodged as in that Section named, or within such other Time as the Court shall order; and in default of his so doing, if no sufficient Cause shall be shown for such Default, such Executor or Administrator shall forfeit a Sum not exceeding *Twenty Pounds*, to be recovered as in the said Section of the said Act is mentioned.

Judge of County Court may issue a Warrant for bringing up a Prisoner to give Evidence.

39. The Judge of the County Court, upon Application on Affidavit by either Party in a Suit depending before him, may, if he shall think fit so to do, issue an Order under his Hand and Seal for bringing up before such Court any Prisoner or Person confined in any Gaol, Prison, or Place within his County, under Sentence, or under Commitment for Trial, or for other Cause, except under Process in any Civil Action, Suit, or Proceeding, to be examined as a Witness in any Cause or Matter depending before such Court; and the Person so required to be brought before such Court shall be brought under the same Custody and shall be dealt with in all respects as a Prisoner required by any Writ of Habeas Corpus awarded by any of Her Majesty's Superior Courts of Law at Dublin to be brought before such Court to be examined as a Witness is now by Law required to be brought and dealt with: Provided always, that the Person having the Custody of such Prisoner or Person shall not be bound to obey such Order unless a reasonable Sum be tendered to him for the Conveyance of a proper Officer or Officers, and of the Prisoner or Person, in going to and returning from such Court, such Sum to be Part of the Witness's Expenses incident to the Hearing of the Cause, unless otherwise ordered by the Judge of the Court; provided also, that no Person confined in a County or City Gaol shall be brought up under any such Order to any other Place than to the Court House of such County Town, or City or Town, where such Gaol is situated.

Power to Judge of County Court to refer Matters of Account.

40. If any Matter in dispute in the County Court shall appear to the Judge thereof to consist wholly of Matters of mere Account which cannot conveniently be tried in the ordinary Way, it shall be lawful for the Judge of the said Court, on the Application of either Party, if he shall think fit, to order that such Matter be referred to

an Arbitrator to be appointed by the Parties, or to the Clerk of the Peace of the said County, if he shall consent to undertake such Duty, or any other fit Person or Persons, upon such Terms as the Judge of the said Court shall think reasonable.

Judge of County Court may renew Decree in Ejectment within Six Months, if possession unlawfully taken by the Defendants.

41. Where a Decree for the Possession of Lands shall have been pronounced by the Judge of the County Court, and the Defendant in such Decree shall, after the same shall have been executed by the Under Sheriff, and within *Six Calendar Months* after the signing of such Decree, unlawfully re-enter or take possession of the Lands mentioned therein, it shall be lawful for the Judge of the said Court, upon the Application of the Plaintiff therein, to renew such Decree, for the Purpose of enabling the said Plaintiff to re-execute the same; provided that such Application shall be made at a Sessions to be held for the Division in which such Lands are situated of which such Possession shall have been unlawfully taken as aforesaid by the Defendant in any such Decree, such Renewal to be granted upon such Notice, and in like Manner in all respects, as Renewals of Decrees in ordinary Civil Bill Cases are now by Law authorized to be granted.

Affidavits to be used in County Courts may be sworn before particular Persons out of Sessions.

42. All Affidavits to be used in any County Court in Ireland may be sworn before the Judge of such County Court out of Quarter Sessions, and any where in Ireland, or before any Master Extraordinary in Chancery in England or Ireland, or any Commissioner for taking Affidavits in any of the Superior Courts at Westminster or Dublin; provided that all Affidavits taken as in this Section mentioned shall be filed as of Record in the Court where the same are intended to be used before the same shall be read, for the filing of which the Clerk of the Peace shall be entitled to receive a Fee of *Sixpence*.

Affidavit of Landlord or Agent admissible in Ejectment for Nonpayment of Rent.

43. And whereas the Eighty-eighth Section of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, is repealed by the Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and fifty-four, and it is expedient to re-enact the Provisions of the said Section: Be it enacted, That in all Proceedings by Civil Bill Ejectments for Nonpayment of Rent, where the Defendant shall not appear to defend the same, the Affidavit of the Landlord or Lessor, or his Agent or Receiver, for ascertaining the Amount of the Rent due, shall be admissible.

Power to Judge of County

44. If the Judge of any County Court shall be satisfied that any Suit pending in his Court can be more conveniently tried in any other

other Division of his County than that to which it has been returned for Hearing, or if during the Hearing of any Suit it shall appear to the Judge of the said Court that it would meet the Ends of Justice to adjourn the further Hearing of the said Suit to some Town in another Division of the County, it shall be lawful for him to direct that such Case shall be heard in such other Division, or he may adjourn the Hearing of the same to any Town in such other Division; and any Decree made in such other Division shall in that Case have the same Effect as if the same were pronounced in the Division to which the Suit was originally returned for Hearing.

Court to adjourn Case to another Division.

45. It shall be lawful for the Judge of the County Court at all Times to amend all Processes, by adding or striking out Parties, whether Plaintiffs or Defendants, and all other Defects and Errors in any Civil Bill Process or Notice, or other Proceeding of the Civil Bill Court, whether there may be anything in Writing to amend by or not; and all such Amendments may be made in such Manner as shall be thereby directed, and with or without Costs, and upon such Terms as to the said Judge shall seem fit; and all such Amendments as may be necessary for the Purpose of determining in any existing Suit the real Question in controversy between the Parties shall be so made; and when such Amendment shall be allowed, the Order for allowing the same, specifying the Amendment, shall be entered as of Record upon the Court Book of the Clerk of the Peace: Provided always, that no such Amendment shall be made if it shall appear to the Judge of the said Court that the same is calculated to mislead and injuriously prejudice the opposite Party in the Merits of his Case.

Power of Amendment.

46. If on the Trial of any Appeal to any Court of General Quarter Sessions of the Peace in Ireland, or to the Judge of the County Court, against any Conviction or Order made or pronounced by any Justice or Justices of the Peace, any Objection shall be taken on account of any Omission or Mistake in the making or drawing up of such Conviction or Order, or any Variance between the Facts stated in such Conviction or Order and the Evidence adduced in support thereof, and it shall be shown to the Satisfaction of the Court that sufficient Grounds were in Proof before the Justice or Justices making such Conviction or Order to have authorized the drawing up thereof free from the said Omission or Mistake, or that such Variance is in some Point not material to the Merits of the Case, it shall be lawful for the Court to amend such Conviction or Order, on such Terms as it shall think fit, and to adjudicate thereupon as if no such Omission or Mistake or Variance had existed.

Amendment of Orders or Convictions of Magistrates on Appeal.

Power to take fresh Recognizances on Appeals, where those entered into may be defective in Form.

47. And whereas the Act now in force giving a Right of Appeal to the Courts of General Quarter Sessions in Ireland, or to the Chairman or Judge of the County Courts in Ireland, frequently require a Recognizance or Recognizances to be entered into as a Condition of such Appeal, and Appellants are liable to be prevented from trying their Appeals upon the Merits in consequence of Imperfections in the taking of such Recognizances: Be it enacted, That where any Recognizance or Recognizances which shall have been entered into within the Time by Law required, before any Justice or Justices, for the Purpose of complying with any such Condition of Appeal, shall appear to the Court before which such Appeal is brought to have been insufficiently entered into, or to be otherwise defective or invalid, it shall be lawful for the Court, if it shall so think fit, to permit the Substitution of a new and sufficient Recognizance, or new and sufficient Recognizances, to be entered into before such Court, in the Place of such insufficient, defective, or invalid Recognizance or Recognizances, and for that Purpose to allow such Time, and make such Examination, and impose such Terms as to Payment of Costs to the Respondent or Respondents, as to such Court shall appear just and reasonable, and such substituted Recognizance or Recognizances shall be as valid and effectual to all Intents and Purposes as if the same had been duly entered into at any earlier Time or Times, as required by any Act or Acts now in force.

Power to give Costs when Appeal not proceeded with.

48. And for the more effectual Prevention of frivolous Appeals, be it enacted, That any Court of General or Quarter Sessions of the Peace, upon Proof of Notice of any Appeal to the same Court having been given to the Clerk of the Petty Sessions Court, and such Recognizance entered into as in "The Petty Sessions (Ireland) Act, 1851," is in that Behalf mentioned, though such Appeal may not be afterwards prosecuted or entered, or though Notice in Writing of the Intention of the Party to prosecute the same shall not have been served Seven clear Days before the Commencement of said Sessions, as by said Act required, may, if it shall so think fit, at the same Sessions for which such Notice of Appeal was given, order to the Party receiving the same such Costs and Charges not exceeding *Forty Shillings* as by the said Court shall be thought reasonable and just to be paid by the Party giving such Notice, such Costs to be recoverable in the same Manner as the Costs in ordinary Cases of Appeal are now by Law recoverable.

Expenses to be allowed to Witnesses, as Judge of

49. It shall be lawful for the Judge of the County Court or Judge of Assize upon Appeal to allow reasonable Expenses to any Person examined before him in any Proceeding by Civil Bill, and to tax

tax and award against the unsuccessful Party in any such Proceeding the Expenses so allowed, not to exceed the Sum of *Five Pounds* to any One Witness. County Court shall direct.

50. Every Process which shall be required to be served out of the County in which the Cause is to be heard may be served by the Process Officer of any County Court or by any other Person; and when the Service of Process out of the County shall be made by a Process Officer of the County where such Service shall be made, such Service may be proved by Affidavit purporting to have been made before a Master Extraordinary in Chancery or any other Person now authorized by Law to take Affidavits; and the Fee for taking such Affidavit shall be *One Shilling*, and shall be Part of the Costs incident to the Civil Bill; and such Affidavit shall be filed with the Clerk of the Peace of the County in which the same shall be used as Evidence of Service, and before the Hearing of the Cause in which such Affidavit is intended to be used, and shall specify fully the Residence of the Parties served, and the Residence of the Person making such Affidavit, and the Manner in which Service was effected, for the filing whereof such Clerk of the Peace shall be entitled to a Fee of *Sixpence*. Process out of a County may be served by any Person, and when served by a Process Officer of the County may be proved by Affidavit.

51. The Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, intituled "An Act to consolidate and "amend the Laws relating to Civil Bills and the Courts of Quarter "Sessions in Ireland, and to transfer to the Assistant Barristers "certain Jurisdiction as to Insolvent Debtors;" and "The Landlord and Tenant Law Amendment Act, Ireland, 1860," shall, as to such of the Provisions of said Acts as relate to the Civil Bill or County Courts of Ireland, or any Proceeding therein, be incorporated with this Act, and shall be read as if the said recited Acts (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act. This Act incorporated with recited Acts.

52. All Decrees and other Proceedings of every Nature and Kind obtained in any County Court in Ireland, and in force and unexecuted at the Time of the Commencement of this Act, shall, notwithstanding anything herein contained, remain and be in force so long as the same would have been in force and effect if this Act had not been passed, and may be executed with such Warrant annexed thereto as is by this Act directed. Existing Decrees to remain in force, and to be executed with annexed Warrants as directed by this Act.

53. It shall be lawful for the several Chairmen of Quarter Sessions in Ireland, or for any *Five* of them, to be selected at a General Rules may be made from

Time to Time.

Meeting of the said Chairmen to be convened for that Purpose, to make and issue such General Orders, Rules, and Regulations as they shall think fit, from Time to Time and as often as may be deemed necessary, for regulating the Forms, Proceedings, and general Practice of the County Courts in Ireland, and from Time to Time to alter, vary, and annul any previous Order relating to the Practice of the said Courts, and to make any new or other Rule or Rules, Orders and Regulations, in lieu thereof, provided that any such Rules, Orders, and Regulations shall not be inconsistent with this Act, or any Act in force in Ireland relating to Civil Bills. Such Rules, Orders, and Regulations shall be submitted to the Lord Chancellor of Ireland, for his Approval, and Copies of all such Rules, Orders, and Regulations, when so approved, shall be transmitted to the Under Sheriffs and the Clerks of the Peace of the respective Counties in Ireland, to be by them kept and preserved in their Offices, and there to remain open at all Times to public Inspection; and such Rules, Orders, and Regulations, when approved by the said Lord Chancellor, shall be as binding as if they were contained in this Act.

Schedules to be Part of this Act.

54. The Schedules to this Act annexed shall be taken to be a Part of this Act; and the Forms herein contained, or any other Forms to the like Effect, may be used in the respective Cases to which they are applicable, and shall be good and sufficient for such Cases.

Repeal of Acts and Parts of Acts as in Schedule.

55. From and after the *Commencement of this Act*, the several Acts and Parts of Acts set forth in the Schedule (C.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts, or such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be and the same are hereby repealed, except as to anything done before the Commencement of this Act, and except so far as any of the said Acts or Parts of Acts repeal any former Act or Part of an Act, and except so far as may be necessary for the Purpose of supporting and continuing any Proceeding taken before the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Under Sheriff shall not act as an Attorney. Penalty, 100*l.*

56. No Under Sheriff, or any Person for his Use or Benefit, shall act as an Attorney in any Cause or Proceeding to be heard or determined before any Chairman or Judge of the County Court of any

any County in Ireland; and if any such Under Sheriff, or any Person for his Use or Benefit, shall so act as an Attorney in any such Cause or Proceeding, such Under Sheriff shall thereupon forfeit the Sum of *One hundred Pounds*, to be recovered by any Person, within One Year after such Offence committed, by Action or Information in any of Her Majesty's Courts of Record in Dublin.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Amount of the Recognizances to be entered into by the Under Sheriffs of the several Counties in Ireland.

		£
Part 1.	Antrim	700
	Cork (County)	
	Tipperary	
	Tyrone	
	Down	
	Armagh	
	Kilkenny (County)	
	Monaghan	
	Limerick (County)	
	Clare	
	Donegal	
	Galway (County)	
	Kerry	
	Mayo	
	Londonderry	
Part 2.	Cavan	500
	Dublin (County)	
	Fermanagh	
	Leitrim	
	Queen's County	
	Roscommon	
	Sligo	
	Waterford (County)	
	Wexford	
Part 3.	Carlow	250
	Kildare	
	King's County	
	Longford	
	Louth (County)	
	Meath	
	Westmeath	
	Wicklow	
Part 4.	Dublin (City)	500
	Cork (City)	400
	Waterford (City)	
	Limerick (City)	
	Kilkenny (City)	200
	Carrickfergus (County of Town)	
	Galway (County of Town)	
	Drogheda (County of Town)	
	Londonderry (Town)	

Form

Form of Recognizance to be entered into by the Under Sheriff.

Be it remembered, That on the Day of in the Year of our Lord 186 , *A.B.* of [*Residence only*], and *C.D.* of [*Residence only*], and *E.F.* of [*Residence only*], [*if other Sureties here name them,*] came before [the Lord Chief Baron *or* one of the Barons of Her Majesty's Court of Exchequer, in Ireland, *or* , a Master Extraordinary of the said Court of Exchequer duly empowered by the said Court to take Recognizances], at , and acknowledged themselves and each of them acknowledged himself indebted to Her Sovereign Lady the Queen, Her Heirs and Successors, in the Sum of £ , to be levied of their Lands, Goods, and Chattels, and the Lands, Goods, and Chattels of each of them:

Whereas the said *A.B.* has been appointed Under Sheriff of the County of [*or* County of the City of], for One Year from the Day of 18 to the Day of 18 : Now the Condition of the above Recognizance is such, that if the said *A.B.* shall well and truly perform his Duties as such Under Sheriff, under the "County Courts Procedure Amendment Act, Ireland, 1864," and shall duly account for and pay all Monies received by him or by his Bailiffs for which he may be liable to account, or which he may become liable to pay for any Misbehaviour in his Office under the said Act, then this Recognizance to be void and of no Effect, otherwise to stand in full Force and Effect in Law.

Taken before me [, the Lord Chief Baron, *or* One of the Barons, *or* a Master Extraordinary of the Court of Exchequer in Ireland, *as the Case may be*], this Day of 18 at .

SCHEDULE (B.)

Part I.

Fees payable to the Under Sheriff (in lieu of the Fees of One Shilling and Two and Sixpence now payable to him under the 14th and 15th Victoria, Chapter 57., for granting a Warrant to the Special Bailiffs of the Plaintiff's Nomination in Ordinary and Ejectment Decrees).

	s.	d.	
On every Decree, Dismiss, Renewal, or Order (save those herein-after mentioned):—			Such Fees to be paid to the Clerk of the Peace, for the Account of the Under Sheriff, by the Person taking out the Decree, and before he shall be entitled to receive the same, and not to be charged against the Defendant.
For any Sum not exceeding £20 - - -	1	0	
Exceeding £20 - - - - -	2	0	
On every Decree and Dismiss in Ejectment Cases, and on every Order or Writ of Restitution as to Lands - - - -	2	6	

Part II.

Fees payable to the Under Sheriff.

	£	s.	d.	
For executing any Decree, Dismiss, Renewal, or Order (save those hereafter mentioned) -				One Shilling in the Pound on the Amount stated as due at Foot of the Decree, Dismiss, Renewal, or Order, if levied; or if not levied, then on the Amount actually levied, and so in proportion for any Fractional Part of a Pound.
In all Cases for executing any Decree, Dismiss, Renewal, or Order, by Arrest of the Party - - - -	0	10	0	To be paid to the Under Sheriff on the Delivery of the Decree, by the Person desiring to execute the same by Arrest of the Party.
For executing any Decree in Ejectment, or Writ or Order of Restitution as to Lands - - - -	1	1	0	
In Cases of Replevin, for drawing Affidavit of Value by Replevingers, and in full of all Charges in relation to such Cases - -	0	4	0	
To the Under Sheriff in full for Proceedings by Interpleader - - - - -	0	4	0	
For returning a Jury in any Case - - -	0	3	6	
To Keepers (not exceeding Two in Number) of Goods seized under any Decree or Dismiss, 1*s.* 6*d.* a Day (not exceeding Five Days).				
For filing the Certificate and making the Entry at Foot of the Decree, as in Section 11. of this Act mentioned - - - -	0	0	6	Not to be taxed against the Defendant.

Part III.

Fees payable to the Clerk of the Peace.

	£	s.	d.	
For the Performance of the several Duties mentioned in Section 4. of this Act in relation to the Recognizance of the Under Sheriff - - - - - -	1	0	0	To be paid by the Under Sheriff.
For the filing of any Affidavit sworn under the special Provisions of the 42d and 50th Sections of this Act - - -	0	0	6	To be paid by the Person requiring such Affidavit to filed, and not to be taxable against the opposite Party.

Part IV.

Attorney's Fees.

	£	s.	d.	
For preparing, presenting, &c. the Certificate of the Sum due on Foot of any Decree, as in Section 11. of this Act - - -	0	0	6	Not to be taxable against the opposite Party.

SCHE-

SCHEDULE (C.)

Acts and Parts of Acts to be repealed.

Date of Act.	Title.	Extent of Repeal.
14 & 15 Vict. c. 57.	An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.	Section 95. So much of Form 11. Schedule (C.) as requires the Witness thereto to be the Sheriff or Sheriff's Officer, and to that Extent, so much of Section 80. So much of the Forms 26 and 27, Schedule (C.) which award Execution to the Sheriff, and the Sheriff's Warrant annexed thereto, and so much of the 110th Section as directs that Decrees and Dismisses should be in those Forms, with such Awards of Execution and Warrants. So much of Section 139. as provides that no Civil Bill Decree for Possession of any Lands or Tenements, or any Affirmance of such Decree, shall be renewed, save for the Costs thereby decreed. Section 145. Section 146. Section 147. So much of Section 152. as relates to Fees payable to Sheriffs and Penalties on Sheriffs. So much of Schedule (D.) as relates to Fees payable to Sheriffs. Bailiffs selling Goods. So much of Forms Nos. 2, 3, 4, 5, 7, 8, 11, 18, 19, 20, 21, 22, 23, 26, 27, 30, 33, Schedule (C.), as relates to the Sheriff, or requires him to do any Matter or Thing, substituting therefor in all such Forms and in the Sections relating thereto the "Under Sheriff."
23 & 24 Vict. c. 154.	An Act to consolidate and amend the Law of Landlord and Tenant in Ireland.	Section 92. Section 93. So much of Section 94. as warrants or authorizes any Act to be done by the Sheriff, his Officer or Bailiff. So much of the 96th Section as directs the Sheriff, or his Special Bailiff, to execute a fresh Execution on a Justice's Certificate. So much of the 98th and 99th Sections as relates to Sheriffs, or their Officers, executing Decrees. So much of the Forms in Schedule (A.) as relates to Sheriffs.

County Courts (Ireland).

A

B I L L

To amend the Procedure of the County Courts in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland, Sir Robert Peel, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 12 *February* 1864.

[Bill 12.]

Under 4 *oz.*

Civil Bill Courts (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Commencement of Act; Sect. 1.

Short Title; 2.

Interpretation of Terms; 3.

Decrees to be executed by the Sheriffs and their Bailiffs, and by no other Persons; Responsibility of Sheriffs for the Execution of the Process of the Civil Bill Courts to be similar to that of Sheriffs for the Execution of the Writs of the Superior Courts; Bailiffs to be paid by the Sheriffs out of the Fees allowed them by this Act; 4.

Sheriffs to appoint Assistant Bailiffs; Power to Chairman to dismiss or suspend such Bailiffs. No Proceeding under this Act to be taken against any Sheriff after the Expiration of Six Months from his quitting the Office; 5.

Names of Bailiffs to be published; 6.

Particulars of Fees, &c. to be printed on Decrees; 7.

Form of the Warrant for the Execution of Decrees; 8.

Fees to be taken by the Sheriffs according to the Schedule (B.); 9.

Parties demanding Execution of Decrees to lodge with the Sheriff a Certificate of the Sum due after all equitable Deductions; Certificate to be filed; and the Sum entered by the Sheriff at Foot of the Decree; Fee, 6*d.*; 10.

Sheriffs to levy only for the Sum stated in Certificate and marked at Foot of the Decree, together with the Poundage and Keeper's Fees; Party omitting to deliver such Certificate, or wilfully and maliciously overmarking the same, liable to be sued for Damages in the Civil Bill Court, and not elsewhere; 11.

After a Levy under a Decree, the Sheriff entitled to receive the Poundage Fees allowed by this Act on the Amount stated in such Certificate, or on the Amount actually levied, if such Amount be less than that stated in the Certificate; 12.

Where Execution under a Decree is issued against the Body of a Party, the Sheriff shall be entitled to receive from the Person demanding Execution, and before he shall execute the same

the Fee mentioned in Schedule (B.) to the Act, such Fee not to be chargeable against the Party against whom such Execution is issued, and to be returned if the Party is not arrested within Two Months; 13.

Decrees to be executed by the Sheriff with all Expedition, and at the latest within Two Calendar Months from their Delivery, unless otherwise directed by the Plaintiff; if not executed within such Period the Sheriff, if required, to return such Decree to the Party entitled, with a Statement thereon of the Cause of the Non-execution, such Statement to be binding on the Sheriff in the event of any Proceeding being taken against him for Neglect, &c.; 14.

Sheriffs, Under Sheriffs, or Bailiffs receiving any greater Fees on the Execution of Decrees than those allowed by this Act, liable to a Penalty not exceeding 20*l.*; 15.

Bailiffs extorting Money on the Execution of Decrees, &c., guilty of a Misdemeanor; 16.

Sheriff or his Bailiffs to execute all Decrees for the Possession of Land; 17.

"Ejectment" Books, and "Decree and Order" Books to be kept by the Under Sheriffs; Particulars to be entered in such Books; 18.

Outgoing Sheriff to give a List of Decrees, &c. remaining unexecuted to his Successor; may be fined for Refusal or Neglect to do so; 19.

Sheriffs, in the Execution of Civil Bill Decrees, to have the same Powers as Sheriffs have in executing the Writs of the Superior Courts; 20.

Priority of Executions issuing out of the Superior and Civil Bill Courts respectively; 21.

Execution by Sheriff not to be unlawful by reason of any Irregularity, &c. in the Mode of executing it; Party aggrieved may proceed for any special Damage sustained in the Civil Bill Court, and not elsewhere; 22.

Rescuing Goods taken in Execution by the Sheriff or his Bailiff, or assaulting them in the Execution of their Duty under this Act, a Misdemeanor; 23.

Under Sheriff to attend the Civil Bill Court; liable to Fine for Neglect of Duty; 24.

Regulates the Sale of Goods or Cattle taken in Execution under a Decree of the Civil Bill Court; 25.

Power of Under Sheriff or Bailiff to sell by Auction Goods taken in Execution; 26.

Power

Power to appoint a Deputy for the Under Sheriff, as respects the Duties of the Civil Bill Court under this Act, in case of Illness, &c.; 27.

Execution to be superseded on Payment of Debt and Costs; 28.

Sheriff to be sued in Civil Bill Court only, for Breach of Duty under this Act; 29.

Poundage to Clerks of the Peace on the Fees upon Entries and Decrees lodged with them for the Account of the Sheriffs; 30.

General Power of Appeal in reference to all Proceedings under this Act; 31.

Judge of Assize, on Appeal, may reserve Questions of Law for the Consideration of the Judges of the Superior Courts; 32.

No Suit to be brought in the Superior Courts on a Civil Bill Decree, &c.; 33.

No Civil Bill to be brought upon any Judgment of a Superior Court, or Decree of a Petty Sessions Court; 34.

Amends the Fiftieth Section of the Civil Bill Act (14 & 15 Vict. c. 57.), by directing the Time within which Executors Accounts should be lodged; 35.

Chairman may issue a Warrant for bringing up a Prisoner to give Evidence; 36.

Power to refer Matters of Account; 37.

Power to Chairman to renew a Decree in Ejectment within Six Months, where Possession is unlawfully retaken by the Defendant after the Execution of the Decree by the Sheriff; 38.

Affidavits to be used in Civil Bill Courts may be sworn before particular Persons named, out of Sessions; in such Cases must be filed by the Clerk of the Peace; Fee to him, 6*d.*; 39.

Re-enacts the Eighty-eighth Section of 14 & 15 Vict. c. 57. (repealed by the 23d and 24th Vict. c. 154.), making the Affidavit of the Landlord or his Agent admissible in Cases of Ejectment for Nonpayment of Rent, for ascertaining the Amount of Rent due where Defendant does not appear to defend the same; 40.

Power to Chairman to adjourn the Hearing of a Case to another Division of the County, where it may appear just and convenient to do so; 41.

Power of Amendment of Processes; 42.

Power of Magistrates at the General Quarter Sessions to amend, in certain Cases, the Orders or Convictions of Magistrates on Appeal therefrom; 43.

Power to take fresh Recognizances on Appeals, in certain Cases, where those entered into may be defective in Form; 44.

Power to give Costs where Appeals taken, and not proceeded with; 45.

Expenses to be allowed to Witnesses, as Chairman shall direct; Limit, 3*l.*; 46.

Provisions as to Service of Process out of the County where the Cause is to be heard; 47.

Incorporates this Act with recited Acts; 48.

Existing Decrees to remain in force, and to be executed with annexed Warrants, as directed by this Act; 49.

Part of Sections Sixty-five and Sixty-six of the 14th and 15th Vict., c. 57, repealed; 50.

Entries in the Clerk of the Peace's Book to be Evidence of the Facts in Civil and Criminal Cases; 51.

General Rules may be made from Time to Time; 52.

Schedules to be Part of this Act; 53.

Repeals certain Parts of Acts, as in Schedule (C.); 54.

Prohibits any Under Sheriff from practising before the Chairman; 55.

Under Sheriff to keep an Office in the County Town; 56.

Fees in Schedule (B.) to be the lawful Fees for the Duties named; 57.

Fees in Schedule (B.) to be chargeable against the unsuccessful Party, save where otherwise provided; 58.

Regulates the Mode of Service of Processes under the 22d Vict. c. 14.; 59.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Procedure of the Civil Bill Courts in Ireland.

WHEREAS it is expedient to amend the Procedure in the Civil Bill Courts in Ireland, and to make Provision for the better Execution of the Decrees and Orders of such Courts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Provisions of this Act shall come into operation on the First Day of March One thousand eight hundred and sixty-five. Commencement of Act.

2. This Act may be cited for all Purposes as "The Civil Bill Courts Procedure Amendment Act (Ireland), 1864." Short Title

3. In the Construction of this Act the following Words and Expressions shall have the Force and Meaning hereby assigned to them, unless there be something in the Subject or Context repugnant thereto: Interpretation of Terms.

The Word "Person" or "Party" shall extend to and include any Body Politic, Corporate, or Collegiate, whether aggregate or sole, and any public Company:

The Word "Lands" shall include Houses, Messuages, and Tenements, and Premises, whether corporeal or incorporeal; and the Word "Premises" shall include Lands, Houses, and Tenements, corporeal or incorporeal:

The Word "County" shall extend to and include a County of a City, a County of a Town, a Town, a City, a Borough, and a Riding of a County:

The Word "Decree" shall include a Dismiss, or any Renewal of a Decree or Dismiss, or any Order of the Civil Bill Courts for the Payment of Money, or any Warrant, or any "Order" for, or "Writ of Restitution," issuing out of or awarded by such Courts:

The Word "Defendant" shall mean also the Person or Party whose Body, Goods, or Chattels may be liable to be taken under any Decree, Dismiss, Renewal, or Order of the Civil Bill Courts:

The Word "Bailiff" shall mean any Bailiff duly appointed by the Sheriff under and in pursuance of this Act, and shall include any Person assisting the Sheriff, Under Sheriff, or such Bailiff, with the Authority and in the Presence of such Sheriff, Under Sheriff or Bailiff, in the Execution of any Decree, Dismiss, Renewal, Order, Writ, or Warrant of the Civil Bill Courts:

The Expression "Civil Bill Court" shall mean the Court for the hearing of Civil Bill Causes held in the several Counties of Ireland:

The Expressions "Chairman of the Court of Quarter Sessions," "Chairman of the County," and "Chairman" shall include the Judge of the Court for hearing Civil Bill Causes for such County, and shall extend to and include the Recorders of the City of Dublin and Borough of Cork, and the Recorder of any Borough or Town in Ireland, under the Act passed in the Third and Fourth Years of Her Majesty's Reign, intituled "An Act for the Regulation of Municipal Corporations in "Ireland," and their Deputies, lawfully appointed:

The Expression "Clerk of the Peace" shall include the Acting or Deputy Clerk of the Peace, Registrar, or other Officer of the County or Recorders Courts, lawfully discharging the Duties of a Clerk of the Peace, either in a County, County of a City, or County of a Town:

The Word "Sheriff" shall include the "Under Sheriff;" and in Borough Civil Bill Courts, where an Officer of such Courts, and not

not the Sheriff, has now by Law the Execution of the Decrees of such Courts, shall include and mean such Officer:

The Expression "Process of the Court" shall include any Decree, Dismiss, Renewal, Order, or Writ, or other Proceeding of the Civil Bill Courts:

The Word "Plaintiff" shall include, in addition to the Plaintiff in any Decree, such Person as may by any Decree, Order, or Writ of the Civil Bill Court be entitled to receive the Possession of any Land, Chattel, or Money:

The Expression "Lord Lieutenant" shall include the Lords Justices of Ireland.

Decrees of the Civil Bill Courts to be executed by the Sheriffs and their Bailiffs.

4. All Decrees of the Civil Bill Courts signed before the Commencement of this Act, and remaining unexecuted, and all Decrees of such Courts hereafter to be signed by the Chairman of the several Counties of Ireland, shall be executed by the Sheriffs of the several Counties, Counties of Cities and of Towns respectively, or by their Bailiffs appointed under this Act, and by no other Persons; and the said Sheriffs shall be entitled to receive all Fees, and Sums of Money allowed by this Act in the Name of Fees, payable to the Sheriffs, out of which they shall provide for the Execution of the Duties for which such Fees are allowed, and for the Payment of the Bailiffs appointed to assist them under this Act; and every such Sheriff shall, save as herein-after otherwise specially provided, be responsible for his own Acts and Defaults, and for the Acts and Defaults of his Bailiffs in the Execution of the Duties imposed on him by this Act, as the Sheriff of any County in Ireland is responsible for his Acts and Defaults, and for the Acts and Defaults of his Officers in the Execution of any Writ or Process out of the Superior Courts in Ireland: Provided that whenever the Sheriff shall be a Party in any Proceeding by Civil Bill, and that any Decree shall be made therein against him, the Chairman shall appoint a Special Bailiff to execute such Decree, and the Precept of the Clerk of the Peace shall be directed to such Special Bailiff, who shall be entitled to receive the Bailiff's Fees for executing the same.

Sheriffs to appoint Assistant Bailiffs.

5. The Sheriff of each County, County of a City, and County of a Town in Ireland shall, within One Week after the Commencement of this Act, and from Time to Time thereafter as Occasion shall require, appoint, by Writing under his Hand, a sufficient Number of Persons to be Bailiffs to assist the said

Sheriff in the Execution of the Duties imposed on him by this Act; and it shall be lawful for the Sheriff, at his Pleasure, to dismiss all or any of such Bailiffs, and appoint others in their Stead; and every Bailiff so appointed may also be suspended or dismissed by the Chairman of such County, and shall in such Case be incapable of being re-appointed, without the Consent in Writing of such Chairman: Provided that the Appointment of such Bailiffs shall not be vacated by the Death or Removal from Office of the Sheriff, but the Acts of such Bailiffs done after the Death or Removal of the Sheriff, until the Appointment of the succeeding Sheriff, shall be as valid as if such Sheriff had not died or been removed, and the said Bailiffs shall continue to act until they shall be dismissed by the succeeding Sheriff or by the Chairman of the County, and the succeeding Sheriff shall be liable in the Manner herein-before mentioned for all the Acts and Defaults of such Bailiffs, committed after his Appointment: Provided always, that no Action or other Proceeding shall be taken against any Sheriff for any Act, Neglect, or Omission in respect of the Provisions of this Act after the Expiration of Six Calendar Months from the Day on which the succeeding Sheriff shall be sworn into Office.

Names of Bailiffs to be published.

6. The Name and the Place of Abode of every Bailiff to be so appointed from Time to Time by the Sheriff, and of every Bailiff who may be so dismissed or suspended as aforesaid, shall be published within One Fortnight from the Date of such Appointment, Suspension, or Dismissal, in some One or more Newspaper or Newspapers published or circulated within the County, and shall be otherwise promulgated by the Sheriff, in such Manner as to the Chairman of the County shall seem expedient; and a List of the Bailiffs for the Time being shall be at all Times posted and kept open for public Inspection in the Office of the Under Sheriff.

Particulars of Fees, &c. to be printed on Decrees.

7. On every Civil Bill Decree to be signed after the Commencement of this Act there shall be printed, either at the Foot or on the Back thereof, a true Copy of the Fees payable to the Sheriff for executing Decrees, and to the Keepers for the Charge of the Goods seized, as specified in Part II. of Schedule (B.) to this Act annexed, and also a Copy of the Sixteenth Section of this Act.

Form of Warrant for Execution of Decree.

8. The Warrant to be added to all Civil Bill Decrees to be executed after the Commencement of this Act, whether such Decrees shall have been signed before or shall be signed after the Commencement of this Act, shall, instead of the Form to a Special Bailiff

Bailiff of the Plaintiff's Nomination as heretofore used, be in the Form following, or as near thereto as may be:

'County of } 'I authorize and empower *A.B.* of
'to wit. } ' and *C.D.* of , Bailiffs, or either of
'them, and their Assistants, to execute the above Decree.
'Given under my Hand and Seal, this Day of ,
'186 .

'*L.M.*, Sheriff of the said County.

'The Sum to be levied hereunder is £ .

'*L.M.*, Sheriff."

And such Warrants shall not be addressed to any other Persons than the Bailiffs to be appointed by the Sheriffs in pursuance of this Act: Provided that such Warrant, if duly signed by the then Sheriff, shall, whilst such Decree shall remain in force, be a sufficient Authority for the Execution of the same, notwithstanding that such Sheriff may have died or been removed from Office, and that such Warrant shall not have been signed by his Successor.

Fees to be taken by Sheriffs according to the Schedule (B.)

9. There shall be payable to the Sheriffs of the several Counties, Counties of Cities and of Towns, for the Performance of the Duties imposed on them by this Act, the Fees specified in respect of such Duties in the Schedule (B.) to this Act annexed, and no other Fees; and a Table of such Fees shall be placed and maintained in some conspicuous Place in every Court-house where Civil Bill Causes shall be heard, and in the Offices of the Under Sheriffs and of the Clerks of the Peace of the several Counties; and the Grand Jury of every County are hereby required, at any Assizes to be held in and for such County, without previous Application to Presentment Sessions, to present the reasonable and actual Expenses of preparing, exposing, and maintaining such Table of Fees, to be raised off such County, and to be paid to the Sheriff.

Party demanding Execution to lodge Certificate of Sum due.

10. No Sheriff shall, for executing any Decree, demand or receive Fees on any larger Sum than shall be certified in Writing to be justly due thereon by the Party on whose Behalf such Execution shall be demanded, or his Attorney, known Agent, or Receiver; and the Party demanding such Execution shall, when he shall so demand the same, lodge with the Sheriff, either by delivering the same at the Office of the Under Sheriff in the County Town of the County for which he shall be appointed, or by sending the same through the General Post Office in a Letter duly registered according to the Regulations of the Post Office, and addressed to the Sheriff at the Office of such Under Sheriff a Certificate under his Hand, or under the Hand of his Attorney or known Agent or

Receiver, stating the Sum then claimed to be due on Foot of such Decree, after all equitable Deductions; which Certificate shall be filed in the Office of the said Under Sheriff, and the Sum therein stated shall be entered in the "Decree and Order Book," hereinafter mentioned, and also at the Foot of the Decree when delivered for Execution, for which the Fee of Sixpence shall be paid to the Sheriff, by the Party demanding such Execution.

Sheriff to levy only for Sum stated.

11. No Sheriff shall levy for any greater Sum than shall be entered at the Foot of the Decree, together with the Poundage Fees on the Sum so entered, or on such Portion thereof as shall be actually levied, with the Keeper's Fees, according to the Scale specified in Part II. of Schedule (B.) to this Act annexed; and no Decree shall be executed at the Foot of which such Entry shall not have been made as aforesaid; and if the Party at whose Suit such Execution shall be demanded, or his Attorney, Agent, or Receiver, shall neglect or omit to deliver such Certificate as aforesaid, or shall appear to have wilfully and maliciously overcharged in such Certificate the Party against whom such Execution shall issue, the Party at whose Suit such Execution shall be demanded shall forfeit to the Party aggrieved such Damages, to be recovered by Process in the Civil Bill Court and not elsewhere, as to the Chairman shall appear reasonable; which Court shall have Jurisdiction and is hereby authorized to hear and determine such Actions, whatever may be the Amount claimed therein, and to decree accordingly.

Sheriff to receive the Poundage Fees on a Levy upon the Goods of a Party.

12. Upon every Levy under a Decree by Execution against the Goods of a Party, the Sheriff shall and may, after such Execution executed, demand and take therefor the Poundage Fees mentioned in that Behalf in Part II. of Schedule (B.) to this Act annexed, on the Sum stated to be due by the Entry at Foot of such Decree, if levied, and in addition thereto; or if the Goods taken shall not amount in Value to the Sum stated in such Entry, then on so much only as he shall levy, and which, in such Case, he shall be entitled to retain out of the Sum levied by him, paying the Balance to the Party demanding such Execution.

Fee to Sheriff from Party demanding Execution against the Body of a Party.

13. Upon every Warrant for Execution under a Decree against the Body of a Party there shall be payable to the Sheriff the Fee specified in that Behalf Part II. of Schedule (B.) to this Act annexed, to be paid in by the Party by whom such Execution shall be demanded, on or before the Delivery of the Decree to the Sheriff for Execution; and in default of such Payment the Sheriff may refuse to execute the same; and such Fee shall not be chargeable against

against the Party against whom such Execution shall be issued: Provided that if the Party against whom such Warrant shall be issued shall not be arrested within Two Months from the Delivery of such Decree to the Sheriff, such Fee shall be returned by the Sheriff to the Person by whom the same shall have been paid.

Decree to be executed within Two Months, or returned, with a Statement of the Reasons for its Non-execution.

14. The Sheriff shall, unless where otherwise directed, by the Party delilivering the same, execute every Decree delivered to him as aforesaid, and pay over the Proceeds thereof to the Party on whose Behalf Execution shall be demanded, or his Attorney thereto lawfully authorized, with all Expedition, and at the latest within Two Calendar Months after the said Decree shall be delivered to him for Execution; and if the Sheriff shall within the said Period of Two Months be unable, from sufficient legal Causes, to execute the said Decree, he shall, at the Expiration of the said Period, if required so to do by the Party who shall have delivered the same to him for Execution, or his Attorney thereto lawfully authorized, return the Decree to such Party or to his Attorney, and state in Writing on the Back thereof the Cause of the Non-execution of such Decree, by which Statement the Sheriff shall be bound in any Proceeding taken against him for Neglect of Duty: Provided that if the Sheriff shall execute any Decree before the Expiration of the said Period of Two Months, nothing herein contained shall authorize him to retain the Proceeds so levied until the Expiration of such Period; and provided further, that nothing herein contained shall prevent the Sheriff from executing any Decree after the Expiration of Two Months from its Delivery to him for Execution, so long as the said Decree shall be in force.

Penalty on Sheriff or Bailiff receiving other than the Fees allowed.

15. Any Sheriff or Under Sheriff or any Bailiff empowered to execute a Decree, or any Assistant of such Sheriff, Under Sheriff, or Bailiff, or any Keeper who shall demand or receive from any Person, on or in respect of the Execution of such Decree, any Money or Gratuity, other than the Poundage Fees legally payable on the Execution thereof, as in this Act mentioned, and the Keeper's Fees, in case of a Seizure of Goods thereunder, as specified in Part II. of Schedule (B.) to this Act annexed, or who shall knowingly permit or suffer any One on his Behalf to receive the same, shall be liable to pay a Sum not exceeding Twenty Pounds to any Person who may sue for the same by Civil Bill.

Bailiff extorting guilty of a Misdemeanor.

16. If any Bailiff, or any Person assisting such Bailiff, acting under a Decree of a Civil Bill Court, or under colour of the Process of such Court, shall extort any Money, Security for Money, Chattel, or other Thing, such Person so offending shall be guilty of a Misdemeanor,

demeanor, punishable by a Fine not exceeding Twenty Pounds, or by Imprisonment not exceeding Twelve Calendar Months, with or without Hard Labour, or by both Fine and Imprisonment; and in any Indictment for such Offences it shall only be necessary to aver that the Party charged with the Offence was a Bailiff of the Civil Bill Court of the particular County, or a Person assisting such Bailiff, and that under or under colour of the Process of such Civil Bill Court he did extort Money, or a Security for Money, or some Chattel, as the Case may be.

Sheriff or his Bailiffs to execute all Decrees for Possession of Land.

17. All Decrees for the Possession of Land, and all Orders made by any Judge of Assize upon Appeal from any Decree relating to the Possession of Land, and under which the Possession of Land may be given or taken, shall be executed by the Sheriff of the County in which the said Lands or any Part of them are situated, or by his Bailiffs, and by no other Person, and the Sheriff shall himself or by his Bailiffs execute such Decrees and Orders within One Calendar Month after the same shall have been delivered to him for Execution, unless otherwise directed by the Party delivering the same, and such Decree or Order shall justify the Sheriff or his Bailiffs in entering upon the Premises named therein, with such Assistants as he or they shall deem necessary, and in taking and giving possession thereof accordingly; and in every Decree for the Possession of Land the Sheriff shall be commanded to put the Plaintiff into the Possession of the same; and the Warrant to be annexed to every such Decree shall be in the Form following, or as near thereto as may be:

County of } I authorize and empower *A.B.* of and
to wit. } *C.D.* of , Bailiffs, or either of them,
and their Assistants, to execute the above Decree.

Given under my Hand and Seal, this Day of
18 .

(Seal.) *L. M.* Sheriff of said County.

Provided always, that no Entry shall be made upon any Premises under any Decree or Order for the Purpose of taking possession thereof except between the Hours of Nine in the Morning and Three in the Afternoon, and no such Entry shall be made on a Sunday, Good Friday, or Christmas Day; and whenever the Sheriff shall be a Party to any Ejectment by Civil Bill, the Decree for Possession in such Proceeding shall not be executed by the Sheriff, but such Decree or Order as herein-before mentioned shall be directed to a Special Bailiff, to be named by the Chairman of the County who shall be commanded to execute the same, and no other Person shall execute the same; and such Special Bailiff shall have all the Powers and

and Authority hereby conferred on the Sheriff for giving or taking possession under any Decree or any such Order of a Judge of Assize on Appeal.

Under Sheriff to keep "Ejectment" and "Decree and Order" Books.

18. The Under Sheriff of each County shall enter in a Book, to be kept by him for that Purpose, to be called the "Ejectment Book," the several Decrees in Ejectment which shall be delivered to the Sheriff for Execution, specifying the Names of the Parties therein, the Names of the Lands and the Barony in which the same are situated, the Date of the Decree, and the Date at which the same was delivered to him for Execution, and in Cases for the Non-payment of Rent the Sum ascertained by such Decree as due for Rent, and shall state in the said Book the Time when such Decree shall have been executed, or if not executed the Cause of the Non-execution thereof; and the Under Sheriff shall also keep a Book, to be called the "Decree and Order Book," in which he shall enter the several Decrees, other than those last mentioned, given to the Sheriff for Execution, specifying the Names of the Parties therein, the Sums due on Foot thereof, as stated by the Person delivering the same, and the precise Time and Hour at which such Decrees were delivered to him for Execution, such Time and Hour of Delivery to be in all Cases endorsed by him on the said Decrees, and shall enter in the said Book the Time at which the said Decrees were executed, and the Sum (if any) and Poundage Fees levied or received thereunder, and if such Decrees shall not have been executed the Cause of the Non-execution thereof; and when more than One Decree shall be given to him for Execution against the same Person, the Sheriff shall execute such Decrees in the Order of Time in which the same shall have been respectively delivered to him; and whenever the Sheriff shall not execute any such Decree in Ejectment, he shall endorse on such Decree the Reason why the same was not so executed, and shall, at the Request of the Plaintiff or such other Person as may be entitled to demand the same from him, deliver back such Decree to the Plaintiff or such other Person, when required by him so to do; and the Under Sheriff shall produce the said Books for the Inspection of the Chairman of the County, or of the Clerk of the Peace, whenever he shall be required by the said Chairman or by the Clerk of the Peace, after reasonable Notice so to do.

Outgoing Sheriff to give a List of Decrees, &c. remaining unexecuted to his Successor.

19. The Sheriff of every County, County of a City or County of a Town, shall, within One Week after the Expiration of his Term of Office, deliver to the succeeding Sheriff a correct List under his Hand of all Decrees and other Processes in his Possession not wholly executed by him, with all such Particulars as shall be

necessary to explain to the succeeding Sheriff the several Matters intended to be transferred to him, and shall thereupon transfer to the succeeding Sheriff all such Decrees and Processes, and all Records, Books, and Matters connected with the Civil Bill Court of such County, and relating to his Duties under this Act; and the succeeding Sheriff shall thereupon sign and give a Duplicate of such List to the Sheriff retiring from Office, to whom the same shall be a sufficient Discharge from the further Execution of the Decrees, Processes, and other Matters therein contained; and the succeeding Sheriff shall thereupon stand charged with the Execution and Care of the said Decrees, Processes, and other Matters contained in the said List, as fully and effectually as if such Decrees and Processes had been made over to him by Indenture and Schedule; and if any Sheriff shall refuse or neglect, on the Expiration of his Term of Office, to deliver such List within such Period as aforesaid, or shall wilfully make out an untrue or incorrect List, or shall refuse or neglect to transfer such Decrees and Processes, Records, Books, and Matters, in manner aforesaid, it shall be lawful for the Chairman of the County, on Complaint made to him in Court by the incoming Sheriff as to any of the said Matters, after Notice given to such outgoing Sheriff Six clear Days before such Application, and upon Proof of such Refusal or Neglect as aforesaid in any of such Particulars, to fine the said outgoing Sheriff in any Sum not exceeding Fifty Pounds; and every such outgoing Sheriff so neglecting or refusing to perform any of the Particulars aforesaid shall be further liable to make such Satisfaction, by Damages and Costs, to the Party aggrieved thereby, as he, she, or they shall sustain by such Neglect or Refusal, such Damages to be recovered in the ordinary Way by Process in the Civil Bill Court, and not elsewhere.

Sheriffs, in Execution of Decrees, to have the same Powers as High Sheriffs have in executing the Writs of the Superior Courts.

20. The Sheriff of each County in Ireland and his Bailiffs shall have in the Execution of the Decrees of the Civil Bill Court of such County all the Powers, Privileges, and Rights which the Sheriffs of the several Counties in Ireland have or are entitled to in the Execution of all Writs delivered to them for Execution out of the Superior Courts in Ireland; and all Constables and other Peace Officers within their several Jurisdictions, and all and every other Person or Persons whom the Sheriff of the County would be entitled to call upon to assist him in the Execution of any Writ, shall to the same Extent be liable to assist the Sheriff in the Execution of any Decree of the Civil Bill Courts.

Priority of Executions issuing out

21. When a Writ against the Goods of a Party shall have issued from a Superior Court, and a Decree against the Goods of the same Party

Party shall have issued from the Civil Bill Court, the Priority of Right to the Goods seized under such Writ and Decree shall be determined by the Priority of the Delivery of such Writ and Decree at the Office of the Under Sheriff in the County Town of the County. of Superior Court and Civil Bill Court.

22. The Sheriff or his Bailiffs, in executing any Decree of the Civil Bill Court, shall not be deemed Trespassers by reason of any Irregularity or Informality in the Form of such Decree, or in the Mode of executing it, but the Party aggrieved may proceed by Process in the Civil Bill Court, and not elsewhere, for the special Damage which he may have actually sustained by such Irregularity or Informality, against the Sheriff or the Bailiff guilty thereof; and he shall be entitled to no Costs of such Process unless the Sum awarded to him by the Decree of the Chairman of the County or of the Judge of Assize on Appeal, shall exceed Twenty Shillings. Execution not to be unlawful by reason of any Irregularity in the Mode of executing it.

23. Whosoever shall, by Violence to, or Threat of Violence to, or Restraint of the Person of any Sheriff, Under Sheriff, or Bailiff when executing any Civil Bill Decree, or by Force, compel or induce such Sheriff, Under Sheriff, or Bailiff to abandon any Seizure of the Body or Goods of any Person previously made by such Sheriff, Under Sheriff, or Bailiff, while in the Execution of such Decree, or who shall rescue or attempt to rescue the Body or Goods of any Person taken under a Civil Bill Decree by such Sheriff, Under Sheriff, or Bailiff, shall be guilty of a Misdemeanor, and, upon Conviction thereof, shall be liable to be imprisoned for a Period not exceeding Six Calendar Months with or without Hard Labour. Rescuing Goods, or assaulting Sheriff or Bailiff in the Execution of their Duty, a Misdemeanor.

24. The Under Sheriff of each County shall attend every Sitting of the Civil Bill Court of such County, except when his Absence shall be allowed by the Chairman, and shall, in the Execution of his Duties, conform to all such General Rules as shall be from Time to Time made for regulating the Proceedings of the Court, as herein-after provided, and, subject thereto, to the Orders and Directions of the Chairman, and shall during the Sittings of the Civil Bill Court provide a sufficient Number of Bailiffs to perform such Duties as the Chairman shall consider necessary for the due and orderly Administration of Justice. Under Sheriff to attend the Civil Bill Court.

25. No Goods or Cattle which shall be taken in Execution under any Decree of a Civil Bill Court shall be sold until after the End of Two clear Days at least next following the Day on which such Goods or Cattle shall have been so taken, unless such Goods be of a perishable Nature, or upon the Request in Writing of the Party whose Goods or Cattle shall have been so taken; and it shall be lawful Regulates the Sale of Goods taken in Execution.

lawful for the Sheriff from Time to Time to appoint such Persons as he shall think proper for keeping possession of Goods or Cattle so taken in Execution; and the Sheriff shall be entitled to receive out of the Proceeds of the Sale of all Goods or Cattle taken in Execution, and sold by him or by his Bailiffs, a Sum of Money for the Expenses of the Bailiffs or Persons in charge of the Property taken (if such Property shall remain in their Charge), over the Amount entered at Foot of the Decree, at the Rate of Two Shillings and Sixpence for each Bailiff or Person for every Twenty-four Hours or any fractional Part of such Period that he shall be so in charge, together with such Sum, if any, as he shall actually incur in the Sustenance and Keep of such Cattle: Provided always, that the Number of Bailiffs or Persons for whom the said Sheriff may so charge shall not exceed Two, and the Length of Time for which he shall so charge shall not exceed Four Days; and the said Cattle or Goods shall be sold by public Cant to the highest and best Bidder, between the Hours of Ten in the Forenoon and Three in the Afternoon on such Day after such Second Day as aforesaid, and at such Place, as the Sheriff or his Bailiffs shall appoint, first causing Notice in Writing, entitled in the Cause, of the Time and Place intended for such Sale, to be posted up One clear Day previous thereto in the Market Town next to the Place of such intended Sale, at the usual Place for posting public Notices there.

Power of Under Sheriff or Bailiff to sell by Auction Goods taken in Execution.

26. The Under Sheriff or any of his Bailiffs shall have Authority to sell Goods taken in Execution by him or by the Sheriff or any Bailiff, without the Assistance of a Licensed Auctioneer: Provided always, that the Sheriff shall be answerable for the proper Care and Sale of the Goods so taken, to the same Extent as Sheriffs in Ireland are answerable for the Care and Sale of Goods taken in Execution by them under Writs out of the Superior Courts.

Provides for the Appointment of a Deputy Under Sheriff as to the Duties of the Civil Bill Court, in case of of Illness, &c. of Under Sheriff.

27. In case of the Death of any Under Sheriff, or of the Inability of any Under Sheriff to perform the Duties imposed on him by this Act from Illness or other Cause, the High Sheriff of such County shall forthwith appoint a fit and proper Person to act as Under Sheriff or Deputy Under Sheriff for the Execution of the Duties of the Civil Bill Court required by this Act, whose Name shall be returned to the Clerk of the Peace within Three Days from such Appointment: Provided that in the event of the High Sheriff being absent from Ireland, or otherwise unable to appoint such Deputy Under Sheriff, it shall be lawful for the Lord Chancellor of Ireland, on the Necessity for executing which Power he shall alone decide, to appoint a fit and proper Person to act as such Under or Deputy Under Sheriff in reference to the Duties of such Civil Bill Court,

Court, until such Appointment shall be made by the High Sheriff for the Time being, or any Successor to be duly appointed in his Place.

Execution to be superseded on Payment of Debt and Costs.

28. If the Party against whom an Execution under a Civil Bill Decree shall be issued shall, before an actual Sale of his Goods seized thereunder, pay or tender, or cause to be paid or tendered to the Sheriff, or to the Bailiff employed to execute the Decree, the Amount specified to be levied at the Foot of such Decree, or such Part thereof as the Person entitled thereto shall agree to accept in full or in part Payment of his Debt, together with the lawful Poundage Fees and Charges to the Bailiffs or Keepers in care of the same, the Execution of the said Decree shall be superseded or suspended, as the Case may be, for such Time as the Person issuing such Execution shall direct, and the Goods of the said Party shall be released; and any Person taken into Custody under any such Decree who shall have satisfied the Sum stated in the Entry at Foot thereof, or such Portion thereof so agreed to be accepted as aforesaid, shall be discharged from Custody, but shall be liable to be again taken for the Residue, if any, which shall remain due on such Decree, provided such Residue shall, exclusive of the Costs of such Decree, exceed Ten Pounds.

Sheriff to be sued in Civil Bill Court only for Breach of Duty under this Act.

29. No Action or other Proceeding shall be brought in any of the Superior Courts of Common Law against the Sheriff of any County or his Bailiffs for any Act or Neglect or Default of such Sheriff or such Bailiffs in the Execution of the Office or Duties of such Sheriff in relation to the Civil Bill Court of the said County, or any Process or Execution issuing from the same, but such Action or Proceeding shall be brought in the Civil Bill Court of the County for which such Sheriff is appointed, and not elsewhere; and such Court shall have Jurisdiction, and is hereby authorized to hear and determine such Action or Process, whatever may be the Amount claimed therein, and to make a Decree for such Sum, either with or without Costs, as to such Court shall seem fit, although such Sum may exceed Forty Pounds: Provided always, that if any Action or Process shall be brought in such Civil Bill Court against such Sheriff, and if either Party to such Suit shall be entitled to have and shall demand to have the same tried by a Jury, the Chairman of the Court in which the said Suit shall be then pending shall, at the Request of either Party thereto, make an Order that the Cause shall be sent for Hearing to the Civil Bill Court of some adjoining County, and the Clerk of the Peace shall make out an Order to that Effect, and such Cause shall be entered

for Hearing and heard as an ordinary Civil Bill in the Civil Bill Court to which the same shall be so sent; and upon the Production of such Order the Chairman of the County to which such Cause shall be sent shall have Power to try the same, though neither Party to such Cause shall reside within his County; and the Warrant for Execution of such Decree shall be signed by the Sheriff of the County in which the same shall be heard, and shall be directed to such Persons as the Chairman of the County from which such Cause shall have been originally transmitted shall specially appoint for such Purpose: Provided always, that the Production of such Order for Hearing, as herein-before mentioned, shall be Proof that the Process was duly served; and a Jury may be summoned in the County to which such Cause shall be sent in the ordinary Manner, and it shall not be lawful for any Sheriff or Under Sheriff to summon a Jury to try any Case in which such Sheriff or Under Sheriff may be a Party.

Clerks of Peace to retain a Poundage on the Fees lodged with them for the Account of the Sheriffs.

30. And whereas it is fit that the Clerks of the Peace should be indemnified for the Trouble and Responsibility imposed on them by this Act in receiving the Fees mentioned in Part I. of Schedule (B.) to this Act annexed, for the Account of the Sheriff, on the Entry of Processes for Hearing and issuing the Decrees of the Civil Bill Court: Be it enacted, That the Clerks of the Peace, when acting in person, or if not so acting, then the Deputy or acting Clerk of the Peace shall be at liberty to retain for their own Use One Penny out of each Shilling to be so paid to them for the Account of the Sheriff on the Entry of Processes for hearing and on issuing said Decrees.

General Power of Appeal in all Proceedings under this Act.

31. In any Case where a Party shall be dissatisfied with the Judgment or Decree of the Chairman in respect of any Proceedings instituted by virtue of this Act, it shall be lawful for such Party to appeal against such Judgment or Decree, in like Manner, and upon the like Terms and Stipulations, as Appeals in other Cases are allowed to be brought under the Acts now in force relating to Proceedings by Civil Bill.

Judge of Assize on Appeal may reserve Questions of Law for the Consideration of the Judges of the Superior Courts.

32. It shall be lawful for any Judge of Assize, or any Person duly appointed to act as such, to reserve any Question of Law arising upon the Hearing of any Civil Bill Appeal for the Consideration of the Judges, and thereupon to direct that a Case shall be stated for the Opinion of One of the Superior Courts of Law, to be named by such Judge, such Case to be signed by the Judge, and to be set down for Argument by the Appellant within Ten Days after the same shall have been so signed; and the said Court shall decide

decide upon the Question of Law so reserved, and reverse or affirm the Decree, in the same Manner as the Judge so reserving such Question might or could have done, with or without Costs; and if the Appellant shall fail to set down the Case within the Time above mentioned, the Decree shall stand confirmed, with Costs.

No Suit to be brought in the Superior Courts on a Civil Bill Decree, &c.

33. No Action or other Proceeding shall be brought in the Superior Courts of Common Law in Ireland upon any Decree of any Civil Bill Court; but nothing herein contained shall be deemed to repeal or alter the Seventeenth and Eighteenth Sections of the Act passed in the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and four, for filing and enrolling, as Judgments of the Superior Courts, Civil Bill Decrees for the Recovery of Poor Rates.

No Civil Bill to be brought upon any Judgment or Decree of a Superior or Petty Session Court.

34. It shall not be lawful for any Person who shall have obtained a Judgment in any of the Superior Courts at Law, or a Decree or Order of any Petty Sessions Court in Ireland, to sue by Civil Bill in Ireland upon such Judgment, Decree, or Order, nor to proceed by Civil Bill for the Recovery of any Money which was the Subject of the Suit upon which such Judgment, Decree, or Order was obtained.

Amending the 50th Section of 14 & 15 Vict. c. 57., by directing the Time within which Executors Accounts should be lodged.

35. And whereas Provision is not made in the Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, Section Fifty, for the Time within which Executors and Administrators should lodge the Accounts and Schedules in the said Section of the said Act mentioned: Be it enacted, That such Executor or Administrator shall lodge with the Clerk of the Peace such Schedule or Schedules or Accounts within One Calendar Month after he shall have been called on in Writing to do so, by any Person entitled to demand that the same should be lodged as in that Section named, or within such other Time as the Court shall order; and in default of his so doing, if no sufficient Cause shall be shown for such Default, such Executor or Administrator shall forfeit a Sum not exceeding Twenty Pounds, to be recovered as in the said Section of the said Act is mentioned.

Chairman may issue a Warrant for bringing up a Prisoner to give Evidence.

36. The Chairman of the County, upon Application on Affidavit by either Party in a Suit depending before him, may, if he shall think fit so to do, issue an Order under his Hand and Seal for bringing up before the Civil Bill Court any Prisoner or Person confined in any Gaol, Prison, or Place within his County, under Sentence, or under Commitment for Trial, or for other Cause, except under Process in any Civil Action, Suit, or Proceeding, to be examined as a Witness

in any Cause or Matter depending before such Court; and the Person so required to be brought before such Court shall be brought under the same Custody and shall be dealt with in all respects as a Prisoner required by any Writ of Habeas Corpus awarded by any of Her Majesty's Superior Courts of Law at Dublin to be brought before such Court to be examined as a Witness is now by Law required to be brought and dealt with: Provided always, that the Person having the Custody of such Prisoner or Person shall not be bound to obey such Order unless a reasonable Sum be tendered to him for the Conveyance of a proper Officer or Officers, and of the Prisoner or Person, in going to and returning from such Court, such Sum to be Part of the Witness's Expenses incident to the Hearing of the Cause, unless otherwise ordered by the Chairman; provided also, that no Person confined in a County or City Gaol shall be brought up under any such Order to any other Place than to the Court House of such County Town, or City or Town, where such Gaol is situated.

Power to Chairman to refer Matters of Account.

37. If any Matter in dispute in the Civil Bill Court shall appear to the Chairman to consist wholly of Matters of mere Account which cannot conveniently be tried in the ordinary Way, it shall be lawful for the Chairman, if he shall think fit, to order that such Matter be referred to an Arbitrator to be appointed by the Parties, or to the Clerk of the Peace of the said County, if he shall consent to undertake such Duty, or any other fit Person or Persons, upon such Terms as the Chairman shall think reasonable.

Chairman may renew Decree in Ejectment within Six Months, if Possession unlawfully taken by the Defendants.

38. Where a Decree for the Possession of Lands shall have been pronounced by the Chairman of the County, and the Defendant in such Decree shall, after the same shall have been executed by the Sheriff, and within Six Calendar Months after the Execution of such Decree, unlawfully re-enter or take possession of the Lands mentioned therein, it shall be lawful for the Chairman, upon the Application of the Plaintiff therein, to renew such Decree, for the Purpose of enabling the said Plaintiff to re-execute the same; provided that such Application shall be made at a Sessions to be held for the Division in which such Lands are situated of which such Possession shall have been unlawfully taken as aforesaid by the Defendant in any such Decree, such Renewal to be granted upon such Notice, and in like Manner, as Renewals of Decrees in ordinary Civil Bill Cases are now by Law authorized to be granted.

Affidavits to be used in Civil Bill Courts may be sworn

39. All Affidavits to be used in any Civil Bill Court in Ireland may be sworn before the Chairman of the County out of Quarter Sessions, and any where in Ireland, or before any Master Extraordinary

dinary in Chancery in England or Ireland, or any Commissioner for taking Affidavits in any of the Superior Courts at Westminster or Dublin; provided that all Affidavits taken as in this Section mentioned shall be filed as of Record in the Court where the same are intended to be used before the same shall be read, for the filing of which the Clerk of the Peace shall be entitled to receive a Fee of Sixpence.

before particular Persons out of Sessions.

40. And whereas the Eighty-eighth Section of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, is repealed by the Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and fifty-four, and it is expedient to re-enact the Provisions of the said Section to such Extent as is herein-after next mentioned: Be it enacted, That in all Proceedings by Civil Bill Ejectments for Nonpayment of Rent, where the Defendant shall not appear to defend the same, the Affidavit of the Landlord or Lessor, or his Agent or Receiver, for ascertaining the Amount of the Rent due, shall be admissible.

Affidavit of Landlord or Agent admissible in Ejectment for Nonpayment of Rent.

41. If the Chairman of the County shall be satisfied that any Suit pending by Civil Bill in his Court can be more conveniently tried in any other Division of his County than that to which it has been returned for Hearing, or if during the Hearing of any Suit it shall appear to the Chairman that it would meet the Ends of Justice to adjourn the further Hearing of the said Suit to some Town in another Division of the County, it shall be lawful for him to direct that such Case shall be heard in such other Division, or he may adjourn the Hearing of the same to any Town in such other Division; and any Decree made in such other Division shall in that Case have the same Effect as if the same were pronounced in the Division to which the Suit was originally returned for Hearing.

Power to Chairman to adjourn Case to another Division.

42. It shall be lawful for the Chairman of the Civil Bill Court, or any Judge of Assize on Appeal, at all Times to amend all Processes, by adding or striking out Parties, whether Plaintiffs or Defendants, and all other Defects and Errors in any Civil Bill Process or Notice, or other Proceeding of the Civil Bill Court, whether there may be anything in Writing to amend by or not; and all such Amendments may be made in such Manner as shall be thereby directed, and with or without Costs, and upon such Terms as to the said Chairman or Judge shall seem fit; and all such Amendments as may be necessary for the Purpose of determining in any existing Suit the real Question in controversy between the Parties shall be so made; and when such Amendment shall be allowed, the

Power of Amendment.

Order for allowing the same, specifying the Amendment, shall be entered as of Record upon the Court Book of the Clerk of the Peace: Provided always, that no such Amendment shall be made if it shall appear to the Chairman or to the Judge of Assize on Appeal that the same is calculated to mislead and injuriously prejudice the opposite Party in the Merits of his Case.

Amendment of Orders or Convictions of Magistrates on Appeal.

43. If on the Trial of any Appeal to any Court of General Quarter Sessions of the Peace in Ireland, or to the Chairman of the County, against any Conviction or Order made or pronounced by any Justice or Justices of the Peace, any Objection shall be taken on account of any Omission or Mistake in the making or drawing up of such Conviction or Order, or any Variance between the Facts stated in such Conviction or Order and the Evidence adduced in support thereof, and it shall be shown to the Satisfaction of the Court that sufficient Grounds were in Proof before the Justice or Justices making such Conviction or Order to have authorized the drawing up thereof free from the said Omission or Mistake, or that such Variance is in some Point not material to the Merits of the Case, it shall be lawful for the Court to amend such Conviction or Order, on such Terms as it shall think fit, and to adjudicate thereupon as if no such Omission or Mistake or Variance had existed.

Power to take fresh Recognizances on Appeals, where those entered into may be defective in Form.

44. And whereas the Act now in force giving a Right of Appeal to the Courts of General Quarter Sessions in Ireland, or to the Chairman of the Civil Bill Courts in Ireland, frequently require a Recognizance or Recognizances to be entered into as a Condition of such Appeal, and Appellants are liable to be prevented from trying their Appeals upon the Merits in consequence of Imperfections in the taking of such Recognizances: Be it enacted, That where any Recognizance or Recognizances which shall have been entered into within the Time by Law required, before any Justice or Justices, for the Purpose of complying with any such Condition of Appeal, shall appear to the Court before which such Appeal is brought to have been insufficiently entered into, or to be otherwise defective or invalid, it shall be lawful for the Court, if it shall so think fit, to permit the Substitution of a new and sufficient Recognizance, or new and sufficient Recognizances, to be entered into before such Court, in the Place of such insufficient, defective, or invalid Recognizance or Recognizances, and for that Purpose to allow such Time, and make such Examination, and impose such Terms as to Payment of Costs to the Respondent or Respondents, as to such Court shall appear just and reasonable, and such substituted Recognizance or Recognizances shall be as valid and effectual to all Intents

Intents and Purposes as if the same had been duly entered into at any earlier Time or Times, as required by any Act or Acts now in force.

Power to give Costs when Appeal not proceeded with.

45. And for the more effectual Prevention of frivolous Appeals, be it enacted, That any Court of General or Quarter Sessions of the Peace, upon Proof of Notice of any Appeal to such Court having been given to the Clerk of the Petty Sessions Court, and such Recognizance having been entered into as in "The Petty Sessions (Ireland) Act, 1851," is in that Behalf mentioned, though such Appeal may not be afterwards prosecuted or entered, or though Notice in Writing of the Intention of the Party to prosecute the same shall not have been served Seven clear Days before the Commencement of said Sessions, as by said Act required, may, if it shall so think fit, at the Sessions for which such Notice of Appeal was given, order to the Party receiving the same such Costs and Charges not exceeding Forty Shillings as by the said Court shall be thought reasonable and just to be paid by the Party giving such Notice, such Costs to be recoverable in the same Manner as the Costs in ordinary Cases of Appeal are now by Law recoverable.

Expenses to be allowed to Witnesses, as Chairman shall direct.

46. It shall be lawful for the Chairman of the County or Judge of Assize upon Appeal to allow reasonable Expenses to any Person examined before him in any Proceeding by Civil Bill, and to tax and award against the unsuccessful Party in any such Proceeding the Expenses so allowed, not to exceed the Sum of Three Pounds to any One Witness.

Process out of a County may be served by any Person, and when served by a Process Officer of the County may be proved by Affidavit.

47. Every Process which shall be required to be served out of the County in which the Cause is to be heard may be served by the Process Officer of any Civil Bill Court or by any other Person; and when the Service of Process out of the County shall be made by a Process Officer of the County where such Service shall be made, such Service may be proved by Affidavit purporting to have been made before a Master Extraordinary in Chancery or any other Person now authorized by Law to take Affidavits; and the Fee for taking such Affidavit shall be One Shilling, and shall be Part of the Costs incident to the Civil Bill; and such Affidavit shall be filed with the Clerk of the Peace of the County in which the same shall be used as Evidence of Service, and before the Hearing of the Cause in which such Affidavit is intended to be used, and shall specify fully the Residence of the Parties served, and the Residence of the Person making such Affidavit, and the Manner in which Service was effected, for the filing whereof such Clerk of the Peace shall be entitled to a Fee of Sixpence.

 48. The

This Act incorporated with recited Acts.

48. The Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, intituled "An Act to consolidate and "amend the Laws relating to Civil Bills and the Courts of Quarter "Sessions in Ireland, and to transfer to the Assistant Barristers "certain Jurisdiction as to Insolvent Debtors," and "The Landlord and Tenant Law Amendment Act, Ireland, 1860," shall, as to such of the Provisions of said Acts as relate to the Civil Bill Courts of Ireland, or any Proceeding therein, be incorporated with this Act, and shall, so far as the same are not inconsistent with this Act, be read as if the said recited Acts (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

Existing Decrees to remain in force, and to be executed with annexed Warrants as directed by this Act.

49. All Decrees and other Proceedings of every Nature and Kind obtained in any County Court in Ireland, and in force and unexecuted at the Time of the Commencement of this Act, shall, notwithstanding anything herein contained, remain and be in force so long as the same would have been in force and effect if this Act had not been passed, and may be executed with such Warrant annexed thereto as is by this Act directed.

Repeals Part of Sections 65. and 66. of the 14 & 15 Vict. c. 57.

50. So much of Section Sixty-five of the Fourteenth and Fifteenth Victoria, Chapter Fifty-seven, as requires the Original of a Civil Process to be shown to the Party served with such Process, and so much of Section Sixty-six of said Act as requires, in the Case of Lodgers, that a Copy of the Process shall be posted on the usual Place for posting Notices on the nearest Police Barrack to the House in which the Defendant shall so lodge, shall be and the same are hereby repealed.

Entries in Clerk of the Peace's Book Evidence.

51. In all Proceedings, Civil or Criminal, the Entry in the Clerk of the Peace's Book of a Decree or Dismiss shall be conclusive Evidence that a Decree or Dismiss between the Parties named in such Entry, and to the Purport and Effect mentioned therein, was pronounced by the Chairman of the County at the Sessions of which such Book shall purport to be the Record, and it shall not be necessary in any Case to produce the Decree signed by the Chairman.

General Rules may be made from Time to Time.

52. It shall be lawful for the several Chairmen of Quarter Sessions in Ireland, or for any Five of them, to be selected at a Meeting of the said Chairmen to be convened for that Purpose, to make and issue such General Orders, Rules, and Regulations as they shall think fit, from Time to Time and as often as may be deemed necessary, for regulating the Forms, Proceedings, and general Practice of the Civil Bill Courts in Ireland, and from Time to Time to alter, vary, and annul any previous Order relating to the Practice

Practice of the said Courts, and to make any new or other Rule or Rules, Orders and Regulations, in lieu thereof, provided that any such Rules, Orders, and Regulations shall not be inconsistent with this Act, or any Act in force in Ireland relating to Civil Bills. Such Rules, Orders, and Regulations shall be submitted to the Lord Chancellor of Ireland, for his Approval, and Copies of all such Rules, Orders, and Regulations, when so approved, shall be transmitted to the Under Sheriffs and the Clerks of the Peace of the respective Counties in Ireland, to be by them kept and preserved in their Offices, and there to remain open at all Times to public Inspection; and such Rules, Orders, and Regulations, when approved by the said Lord Chancellor, shall be as binding as if they were contained in this Act.

Schedules to be Part of this Act.

53. The Schedules to this Act annexed shall be taken to be a Part of this Act; and the Forms herein contained, or any other Forms to the like Effect, may be used in the respective Cases to which they are applicable, and shall be good and sufficient for such Cases.

Repeal of Acts and Parts of Acts as in Schedule (C.)

54. From and after the Commencement of this Act, the several Acts and Parts of Acts set forth in the Schedule (C.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts, or such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be and the same are hereby repealed, except as to anything done before the Commencement of this Act, and except so far as any of the said Acts or Parts of Acts repeal any former Act or Part of an Act, and except so far as may be necessary for the Purpose of supporting and continuing any Proceeding taken before the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Under Sheriff shall not act as an Attorney before the Chairman.

Penalty, 100*l.*

55. No Under Sheriff, or any Person for his Use or Benefit, shall act as an Attorney in any Cause or Proceeding to be heard or determined before any Chairman or Judge of the County Court of any County in Ireland; and if any such Under Sheriff, or any Person for his Use or Benefit, shall so act as an Attorney in any such Cause or Proceeding, such Under Sheriff shall thereupon forfeit the Sum of One hundred Pounds, to be recovered by any Person, within One Year after such Offence committed, by Action or Information in any of Her Majesty's Courts of Record in Dublin.

 56. The

Under Sheriff to keep an Office in the County Town.

56. The Under Sheriff for each County in Ireland shall at all Times have and keep in the County Town of the County for which he shall be so appointed an Office for the Performance of his Duties under this Act, and such Office shall be kept open every Day in the Year (Sundays, Christmas Day, and Good Friday only excepted,) from Ten o'Clock in the Morning until Three o'Clock in the Afternoon, such Office to be in the Charge of a Clerk to be appointed by such Under Sheriff, and the Delivery of every Decree or Registered Letter to such Clerk shall be a Delivery to the said Under Sheriff; and the Application for a Return of a Decree to the said Clerk shall be an Application to the said Under Sheriff; and the said Under Sheriff shall keep in the said Office, and not elsewhere, the "Ejectment" Book, and "Decree and Orders" Book in this Act mentioned.

Fees in Schedule (B.) to be the lawful Fees for the Discharge of the Duties named.

57. In all Actions and Proceedings by Civil Bill under this Act the Fees specified in the Schedule (B.) to this Act annexed shall be established, and be deemed and taken as the lawful Fees and Emoluments for the Discharge of the several Duties therein specified by the respective Persons therein mentioned, and by the Process Officers for the Service of all Civil Bill Processes, whether under this Act or otherwise, and no other Fees or Payments shall be recoverable for the Discharge of such Duties; and every Sheriff, Clerk of the Peace, Attorney, Bailiff, or Process Officer who shall receive any greater Fee, Gratuity, Emolument, or other Consideration for any of the Services herein-before or in the said Schedule specified shall forfeit and pay the Sum of Ten Pounds Sterling for every such Offence, to be recovered by Civil Bill by any Person who may sue for the same.

Fees in Schedule (B.) to be chargeable against the unsuccessful Party, save where otherwise provided.

58. The several Fees mentioned and set forth in the Schedule (B.) to this Act annexed in that Behalf shall, save wherein herein-before or in the said Schedule otherwise expressly declared, be chargeable against the Party against whom any Decree or Dismiss shall be pronounced upon any Civil Bill or other Proceeding brought under the Provisions of this Act, and in all Cases whatsoever as to the Fees hereby provided for the Process Officers.

Regulates the Mode of Service of Processes under the 22 Vict. c. 14.

59. And whereas it is expedient to define the Mode in which the Service of Processes under the Act, "For the Abolition of Manor "Courts and the Recovery of small Debts in Ireland," may be effected: Be it enacted, That the Process to be served in all Cases under the said recited Act requiring any Person to appear before the Justice or Justices at Petty Sessions shall be served upon the Person to whom it is directed by delivering to him a Copy of such Process,

or

or if he cannot be conveniently met with by leaving such Copy for him at his last or more usual Place of Abode, or at his Office, Warehouse, Counting-house, Shop, Factory, or Place of Business, being within the Petty Sessions District in which he shall be called on to appear, with some Inmate of the House not being under Sixteen Years of Age, within the Time limited by the Ninth Seetion of the said recited Act; and in every Case the Process Server who shall serve such Process shall endorse on the Original thereof the Time when and the Place where it was served, and shall attend with the same at the Hearing of the Complaint, to depose, if necessary, to such Service; and this Section shall be incorporated with and be read as a Portion of the said recited Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (B.)

Part I.

Fees payable to the Sheriff (in lieu of the Fees of One Shilling and Two and Sixpence now payable to him under the 14th and 15th Victoria, Chapter 57., for granting a Warrant to the Special Bailiffs of the Plaintiff's Nomination in Ordinary and Ejectment Decrees).

	£	s.	d.	
On every Process or Ejectment entered for Hearing with the Clerk of the Peace -	0	0	6	Such Fee to be paid to the Clerk of the Peace, for the Account of the Under Sheriff, at the Time of the Entry, to be taxed with the Plaintiff's Costs, if a Decree be made in his Favour.
On every Decree, Dismiss, Renewal, or Order (save those in Ejectment Cases or Orders or Writs of Restitution as to Lands):—				Such Fees to be paid to the Clerk of the Peace, for the Account of the Under Sheriff, by the Person in whose Favour the Decree is pronounced, before he shall be entitled to receive the same, and to be taxed at Foot of the Decree as Portion of the Costs payable by the Party against whom such Decree shall be pronounced.
For any Sum not exceeding 20*l.* - -	0	1	0	
Exceeding 20*l.* - - -	0	2	0	
On every Decree, Dismiss, and Renewal in Ejectment Cases, and on every Order or Writ of Restitution as to Lands -	0	2	6	

Part

Part II.

Fees payable to the Sheriff.

	£	s.	d.	
For executing any Decree, Dismiss, Renewal, or Order (except Decrees or Renewals in Ejectment Cases, or Writs or Orders of Restitution as to Lands) - -	-		-	One Shilling in the Pound (or for any fractional Part of the First Pound) on the Amount stated in the Entry at Foot of the Decree, Dismiss, Renewal, or Order, if the entire Amount shall be levied, or if the entire Amount shall not be levied, then on the Amount actually levied, and so in proportion for any fractional Part of a Pound after the First Pound; One Shilling to be paid in every Case of a Levy, though the Amount produced may not be One Pound.
In all Cases for executing any Decree, Dismiss, Renewal, or Order, by *Arrest* of the Party -	0	10	0	To be paid to the Sheriff on the Delivery of the Decree by the Person desiring to execute the same by Arrest of the Party, and also 6*d.* per Statute Mile for the Conveyance of the Party, if arrested, from the Place of his Arrest to the County Gaol, to be chargeable to and recovered from the Person demanding such Execution by Arrest;
For executing any Decree or Renewal in Ejectment, or Writ or Order of Restitution as to Lands	1	1	0	and where the personal Attendance of the Sheriff shall be required by the Party executing the Decree, and the Lands shall be more than 10 Statute Miles distant from the County Town, 6*d.* additional for every such Statute Mile on going to such Lands, not to be charged against the opposite Party.
In Cases of Replevin, for drawing Affidavit of Value by Replevingers, and in full of all Charges in relation to such Cases - -	0	4	0	
To the Sheriff in full for Proceedings by Interpleader - -	0	3	6	
For returning a Jury in any Case	0	3	6	

	£	s.	d.	
To Keepers (not exceeding Two in Number) of Goods seized under any Decree or Dismiss, per Day each (not exceeding Four Days) - - - - -	0	2	6	
For filing the Certificate and making the Entry at Foot of the Decree, as in Section . of this Act mentioned - - -	0	0	6	To be paid by the Party presenting such Certificate, and not to be charged against the opposite Party.

Part III.

Fees payable to the Clerk of the Peace.

	£	s.	d.	
For the filing of any Affidavit sworn under the special Provisions of the and Sections of this Act - - -	0	0	6	To be paid by the Person requiring such Affidavit to be filed, and not to be taxable against the opposite Party.
For preparing a fresh Recognizance in Cases of Appeal, when required so to do under the Section - - - - -	0	3	6	
And One Penny in every Shilling lodged with them for the Account of the Sheriff, as herein-before mentioned, to be retained by them out of the Monies so lodged.				

Part IV.

Attorney's Fees.

	£	s.	d.	
For preparing, presenting, &c. the Certificate of the Sum due on Foot of any Decree, as in Section . of this Act - - -	0	1	0	Not to be charged against the opposite Party.
To the Plaintiff's Attorney in full for all Proceedings as to the Re-execution of Ejectment Decrees, under the Section of this Act, and making the Application to the Court, as thereby directed -	0	10	6	
For attending the Clerk of the Peace with any Affidavit to be filed under the special Provisions of the and Sections of this Act - - - - -	0	1	0	Not to be chargeable against the opposite Party.

Part V.

Process Officers Fees.

	£	s.	d.
Serving Civil Bill in any Case where there is but One Defendant, or several Defendants residing in the same House, where the Sum sought to be recovered shall not exceed 10*l.* - - - -	0	0	6
For serving Two or more Defendants not residing in the same Dwelling House, where the Sum sought to be recovered shall not exceed 10*l.* - - -	0	1	0
For serving One Defendant, or several Defendants residing in the same House, where the Sum sought to be recovered shall exceed 10*l.* - - - -	0	1	0
For serving Two or more Defendants not residing in the same Dwelling House, where the Sum sought to be recovered shall exceed 10*l.* - - -	0	2	0

SCHEDULE (C.)

Acts and Parts of Acts to be repealed, so far only as they may relate to any Proceedings by Civil Bill under this Act.

Date of Act.	Title.	Extent of Repeal.
14 & 15 Vict. c. 57.	An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.	Section 95. So much of the Forms 26 and 27, Schedule (C.), as relate to the Forms of the Sheriffs Warrants to Special Bailiffs of the Plaintiffs Nomination on Decrees and Dismisses. So much of Section 139. providing that no Civil Bill Decree for Possession of any Lands or Tenements, or any Affirmance of such Decree, shall be renewed, save for the Costs thereby decreed, as is inconsistent with the Power of Renewal specially given by this Act. Section 145. Section 146. Section 147. So much of Section 152. and Schedule (D.) therein referred to relating to Fees payable to Sheriffs, Process Servers, and Keepers, as is inconsistent with the Fees given to them by this Act.
23 & 24 Vict. c. 154.	An Act to consolidate and amend the Law of Landlord and Tenant in Ireland.	Section 92. Section 93.

Civil Bill Courts (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Procedure of the Civil Bill Courts in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland, Sir Robert Peel, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 14 *April* 1864.

[Bill 66.]

Under 4 *oz.*

Civil Bill Courts (Ireland) Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

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Short Title; 2.

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Decrees to be executed by the Sheriffs and their Bailiffs, and by no other Persons; Responsibility of Sheriffs for the Execution of the Process of the Civil Bill Courts to be similar to that of Sheriffs for the Execution of the Writs of the Superior Courts; Bailiffs to be paid by the Sheriffs out of the Fees allowed them by this Act; 4.

Sheriffs to appoint Assistant Bailiffs; Power to Chairman to dismiss or suspend such Bailiffs. No Proceeding under this Act to be taken against any Sheriff after the Expiration of Six Months from his quitting the Office; 5.

Chairman may fine Bailiffs for Neglect or Misconduct; 6.

Names of Bailiffs to be published; 7.

Particulars of Fees, &c. to be printed on Decrees; 8.

Form of the Warrant for the Execution of Decrees; 9.

Fees to be taken by the Sheriffs according to the Schedule (B.); 10.

Parties demanding Execution of Decrees to lodge with the Sheriff a Certificate of the Sum due after all equitable Deductions; Certificate to be filed; and the Sum entered by the Sheriff at Foot of the Decree; Fee, 6*d.*; 11.

Sheriffs to levy only for the Sum stated in Certificate and marked at Foot of the Decree, together with the Poundage and Keeper's Fees; Party omitting to deliver such Certificate, or wilfully and maliciously overmarking the same, liable to be sued for Damages in the Civil Bill Court, and not elsewhere; 12.

After a Levy under a Decree, the Sheriff entitled to receive the Poundage Fees allowed by this Act on the Amount stated in such Certificate, or on the Amount actually levied, if such Amount be less than that stated in the Certificate; 13.

Where Execution under a Decree is issued against the Body of a Party, the Sheriff shall be entitled to receive from the Person

demanding Execution, and before he shall execute the same the Fee mentioned in Schedule (B.) to the Act, such Fee not to be chargeable against the Party against whom such Execution is issued, and to be returned if the Party is not arrested within Two Months; 14.

Decrees to be executed by the Sheriff with all Expedition, and at the latest within Two Calendar Months from their Delivery, unless otherwise directed by the Plaintiff; if not executed within such Period the Sheriff, if required, to return such Decree to the Party entitled, with a Statement thereon of the Cause of the Non-execution, such Statement to be binding on the Sheriff in the event of any Proceeding being taken against him for Neglect, &c.; 15.

Sheriffs, Under Sheriffs, or Bailiffs receiving any greater Fees on the Execution of Decrees than those allowed by this Act, liable to a Penalty not exceeding 20*l.*; 16.

Bailiffs extorting Money on the Execution of Decrees, &c., guilty of a Misdemeanor; 17.

Sheriff or his Bailiffs to execute all Decrees for the Possession of Land; 18.

"Ejectment" Books, and "Decree and Order" Books to be kept by the Under Sheriffs; Particulars to be entered in such Books; 19.

Proceedings on lodging Civil Bill Decree for Execution; 20.

Outgoing Sheriff to give a List of Decrees, &c. remaining unexecuted to his Successor; may be fined for Refusal or Neglect to do so; 21.

Sheriffs, in the Execution of Civil Bill Decrees, to have the same Powers as Sheriffs have in executing the Writs of the Superior Courts; 22.

Priority of Executions issuing out of the Superior and Civil Bill Courts respectively; 23.

Rescuing Goods taken in Execution by the Sheriff or his Bailiff, or assaulting them in the Execution of their Duty under this Act, a Misdemeanor; 24.

Under Sheriff to attend the Civil Bill Court; liable to Fine for Neglect of Duty; 25.

Regulates the Sale of Goods or Cattle taken in Execution under a Decree of the Civil Bill Court; 26.

Interest in Land not to be sold under Civil Bill Execution; 27.

Power of Under Sheriff or Bailiff to sell by Auction Goods taken in Execution; 28.

Power to appoint a Deputy for the Under Sheriff, as respects the Duties of the Civil Bill Court under this Act, in case of Illness, &c.; 29.

Execution to be superseded on Payment of Debt and Costs; 30.

Poundage to Clerks of the Peace on the Fees upon Entries and Decrees lodged with them for the Account of the Sheriffs; 31.

General Power of Appeal in reference to all Proceedings under this Act; 32.

Judge of Assize, on Appeal, may reserve Questions of Law for the Consideration of the Judges of the Superior Courts; 33.

No Suit to be brought in the Superior Courts on a Civil Bill Decree, &c.; 34.

No Civil Bill to be brought upon any Judgment of a Superior Court, or Decree of a Petty Sessions Court; 35.

Amends the Fiftieth Section of the Civil Bill Act (14 & 15 Vict. c. 57.), by directing the Time within which Executors Accounts should be lodged; 36.

Chairman may issue a Warrant for bringing up a Prisoner to give Evidence; 37.

Power to Chairman to renew a Decree in Ejectment within Six Months, where Possession is unlawfully retaken by the Defendant after the Execution of the Decree by the Sheriff; 38.

Affidavits to be used in Civil Bill Courts may be sworn before particular Persons named, out of Sessions; in such Cases must be filed by the Clerk of the Peace; Fee to him, 6*d.*; 39.

Re-enacts the Eighty-eighth Section of 14 & 15 Vict. c. 57. (repealed by the 23d and 24th Vict. c. 154.), making the Affidavit of the Landlord or his Agent admissible in Cases of Ejectment for Nonpayment of Rent, for ascertaining the Amount of Rent due where Defendant does not appear to defend the same; 40.

Power to Chairman to adjourn the Hearing of a Case to another Division of the County, where it may appear just and convenient to do so; 41.

Power of Amendment of Processes; 42.

Power of Magistrates at the General Quarter Sessions to amend, in certain Cases, the Orders or Convictions of Magistrates on Appeal therefrom; 43.

Power to take fresh Recognizances on Appeals, in certain Cases, where those entered into may be defective in Form; 44.

Power to give Costs where Appeals taken, and not proceeded with; 45.

Expenses to be allowed to Witnesses, as Chairman shall direct; Limit, 3*l.*; 46.

Provisions as to Service of Process out of the County where the Cause is to be heard; 47.

Incorporates this Act with recited Acts; 48.

Existing Decrees to remain in force, and to be executed with annexed Warrants, as directed by this Act; 49.

Original not necessary to be shown at Time of Service, &c.; 50.

Entries in the Clerk of the Peace's Book to be Evidence of the Facts in Civil and Criminal Cases; 51.

General Rules may be made from Time to Time; 52.

Schedules to be Part of this Act; 53.

Repeals certain Parts of Acts, as in Schedule (C.); 54.

Prohibits any Under Sheriff from practising before the Chairman; 55.

Under Sheriff to keep an Office in the County Town, or in One of the Quarter Sessions Towns; 56.

Fees in Schedule (B.) to be the lawful Fees for the Duties named; 57.

Fees in Schedule (B.) to be chargeable against the unsuccessful Party, save where otherwise provided; 58.

SCHEDULES.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Procedure of the Civil Bill Courts in Ireland.

Preamble.

WHEREAS it is expedient to amend the Procedure in the Civil Bill Courts in Ireland, and to make Provision for the better Execution of the Decrees and Orders of such Courts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

1. The Provisions of this Act shall come into operation on the First Day of March One thousand eight hundred and sixty-five.

Short Title.

2. This Act may be cited for all Purposes as "The Civil Bill Courts Procedure Amendment Act (Ireland), 1864."

Interpretation of Terms.

3. In the Construction of this Act the following Words and Expressions shall have the Force and Meaning hereby assigned to them, unless there be something in the Subject or Context repugnant thereto:

The Word "Person" or "Party" shall extend to and include any Body Politic, Corporate, or Collegiate, whether aggregate or sole, and any public Company:

The Word "Lands" shall include Houses, Messuages, and Tenements, and Premises, whether corporeal or incorporeal; and the Word "Premises" shall include Lands, Houses, and Tenements, corporeal or incorporeal:

The Word "County" shall extend to and include a County of a City, a County of a Town, a Town, a City, a Borough, and a Riding of a County:

The Word "Decree" shall include a Dismiss, or any Renewal of a Decree or Dismiss, or any Order of the Civil Bill Courts for the Payment of Money, or any Warrant, or any "Order" for, or "Writ of Restitution," issuing out of or awarded by such Courts:

The Word "Defendant" shall mean also the Person or Party whose Body, Goods, or Chattels may be liable to be taken under any Decree, Dismiss, Renewal, or Order of the Civil Bill Courts:

The Word "Bailiff" shall mean any Bailiff duly appointed by the Sheriff under and in pursuance of this Act, and shall include any Person assisting the Sheriff, Under Sheriff, or such Bailiff, with the Authority and in the Presence of such Sheriff, Under Sheriff or Bailiff, in the Execution of any Decree, Dismiss, Renewal, Order, Writ, or Warrant of the Civil Bill Courts:

The Expression "Civil Bill Court" shall mean the Court for the hearing of Civil Bill Causes held in the several Counties of Ireland:

The Expressions "Chairman of the Court of Quarter Sessions," "Chairman of the County," and "Chairman" shall include the Judge of the Court for hearing Civil Bill Causes for such County, and shall extend to and include the Recorders of the City of Dublin and Borough of Cork, and the Recorder of any Borough or Town in Ireland, under the Act passed in the Third and Fourth Years of Her Majesty's Reign, intituled "An Act for the Regulation of Municipal Corporations in "Ireland," and their Deputies, lawfully appointed:

The Expression "Clerk of the Peace" shall include the Acting or Deputy Clerk of the Peace, Registrar, or other Officer of the County or Recorders Courts, lawfully discharging the Duties of a Clerk of the Peace, either in a County, County of a City, or County of a Town:

The Word "Sheriff" shall include the "Under Sheriff;" and in Borough Civil Bill Courts, where an Officer of such Courts, and not

not the Sheriff, has now by Law the Execution of the Decrees of such Courts, shall include and mean such Officer:

The Expression "Process of the Court" shall include any Decree, Dismiss, Renewal, Order, or Writ, or other Proceeding of the Civil Bill Courts:

The Word "Plaintiff" shall include, in addition to the Plaintiff in any Decree, such Person as may by any Decree, Order, or Writ of the Civil Bill Court be entitled to receive the Possession of any Land, Chattel, or Money:

The Expression "Lord Lieutenant" shall include the Lords Justices of Ireland.

Decrees of the Civil Bill Courts to be executed by the Sheriffs and their Bailiffs.

4. All Decrees of the Civil Bill Courts signed before the Commencement of this Act, and remaining unexecuted, and all Decrees of such Courts hereafter to be signed by the Chairman of the several Counties of Ireland, shall be executed by the Sheriffs of the several Counties, Counties of Cities and of Towns respectively, or by their Bailiffs appointed under this Act, and by no other Persons; and the said Sheriffs shall be entitled to receive all Fees, and Sums of Money allowed by this Act in the Name of Fees, payable to the Sheriffs, out of which they shall provide for the Execution of the Duties for which such Fees are allowed, and for the Payment of the Bailiffs appointed to assist them under this Act; and every such Sheriff shall, save as herein-after otherwise specially provided, be responsible for his own Acts and Defaults, and for the Acts and Defaults of his Bailiffs in the Execution of the Duties imposed on him by this Act, as the Sheriff of any County in Ireland is responsible for his Acts and Defaults, and for the Acts and Defaults of his Officers in the Execution of any Writ or Process out of the Superior Courts in Ireland: Provided that whenever the Sheriff shall be a Party in any Proceeding by Civil Bill, and that any Decree shall be made therein against him, the Chairman shall appoint a Special Bailiff to execute such Decree, and the Precept of the Clerk of the Peace shall be directed to such Special Bailiff, who shall be entitled to receive the Bailiff's Fees for executing the same.

Sheriffs to appoint Assistant Bailiffs.

5. The Sheriff of each County, County of a City, and County of a Town in Ireland shall, within One Week after the Commencement of this Act, and from Time to Time thereafter as Occasion shall require, appoint, by Writing under his Hand, a sufficient Number of Persons resident within the County, and One

at least of whom shall be resident within each Quarter Sessions District thereof, to be Bailiffs to assist the said Sheriff in the Execution of the Duties imposed on him by this Act; and it shall be lawful for the Sheriff, at his Pleasure, to dismiss all or any of such Bailiffs, and appoint others in their Stead: Provided that the Appointment of such Bailiffs shall not be vacated by the Death or Removal from Office of the Sheriff, but the Acts of such Bailiffs done after the Death or Removal of the Sheriff, until the Appointment of the succeeding Sheriff, shall be as valid as if such Sheriff had not died or been removed: Provided always, that no Action or other Proceeding shall be taken against any Sheriff for any Act, Neglect, or Omission in respect of the Provisions of this Act after the Expiration of Six Calendar Months from the Day on which the succeeding Sheriff shall be sworn into Office.

Chairman may fine Bailiffs for Neglect or Misconduct.

6. The Chairman shall have Power to fine any of the Bailiffs appointed to execute Civil Bill Decrees for Neglect or Misconduct in a Sum not exceeding Five Pounds, to be levied by Distress on his Goods and Chattels.

Names of Bailiffs to be published.

7. The Name and the Place of Abode of every Bailiff to be so appointed from Time to Time by the Sheriff, and of every Bailiff who may be so dismissed or suspended as aforesaid, shall be published immediately after the Date of such Appointment, Suspension, or Dismissal, in some One or more Newspaper or Newspapers published or circulated within the County, and shall be returned to the Office of the Clerk of the Peace of such County, and shall be otherwise promulgated by the Sheriff, in such Manner as to the Chairman of the County shall seem expedient; and a List of the Bailiffs for the Time being shall be at all Times posted and kept open for public Inspection in the Office of the Under Sheriff, and in every Quarter Sessions Court House in the County.

Particulars of Fees, &c. to be printed on Decrees.

8. On every Civil Bill Decree to be signed after the Commencement of this Act there shall be printed, either at the Foot or on the Back thereof, a true Copy of the Fees payable to the Sheriff for executing Decrees, and to the Keepers for the Charge of the Goods seized, as specified in Part II. of Schedule (B.) to this Act annexed, and also a Copy of the Sixteenth Section of this Act.

Form of Warrant for Execution of Decree.

9. The Warrant to be added to all Civil Bill Decrees to be executed after the Commencement of this Act, whether such Decrees shall have been signed before or shall be signed after the Commencement of this Act, shall, instead of the Form to a Special Bailiff

Bailiff of the Plaintiff's Nomination as heretofore used, be in the Form following, or as near thereto as may be:

'County of } I authorize and empower *A.B.* of
'to wit. } and *C.D.* of , Bailiffs, or either of
'them, and their Assistants, to execute the above Decree.
'Given under my Hand and Seal, this Day of ,
'186 .

'*L.M.*, Sheriff of the said County.

'The Sum to be levied hereunder is £ .

'*L.M.*, Sheriff."

And such Warrants shall not be addressed to any other Persons than the Bailiffs to be appointed by the Sheriffs in pursuance of this Act: Provided that such Warrant, if duly signed by the then Sheriff, shall, whilst such Decree shall remain in force, be a sufficient Authority for the Execution of the same, notwithstanding that such Sheriff may have died or been removed from Office, and that such Warrant shall not have been signed by his Successor.

Fees to be taken by Sheriffs according to the Schedule (B.)

10. There shall be payable to the Sheriffs of the several Counties, Counties of Cities and of Towns, for the Performance of the Duties imposed on them by this Act, the Fees specified in respect of such Duties in the Schedule (B.) to this Act annexed, and no other Fees; and a Table of such Fees shall be placed and maintained in some conspicuous Place in every Court-house where Civil Bill Causes shall be heard, and in the Offices of the Under Sheriffs and of the Clerks of the Peace of the several Counties; and the Grand Jury of every County are hereby required, at any Assizes to be held in and for such County, without previous Application to Presentment Sessions, to present the reasonable and actual Expenses of preparing, exposing, and maintaining such Table of Fees, to be raised off such County, and to be paid to the Clerk of the Peace.

Party demanding Execution to lodge Certificate of Sum due.

11. No Sheriff shall, for executing any Decree, demand or receive Fees on any larger Sum than shall be certified in Writing to be justly due thereon by the Party on whose Behalf such Execution shall be demanded, or his Attorney, known Agent, or Receiver; and the Party demanding such Execution shall, when he shall so demand the same, lodge with the Sheriff, either by delivering the same at the Office of the Under Sheriff in the County Town of the County for which he shall be appointed, or by sending the same through the General Post Office in a Letter duly registered according to the Regulations of the Post Office, and addressed to the Sheriff at the Office of such Under Sheriff a Certificate under his Hand, or under the Hand of his Attorney or known Agent or

Receiver, stating the Sum then claimed to be due on Foot of such Decree, after all equitable Deductions; which Certificate shall be filed in the Office of the said Under Sheriff, and the Sum therein stated shall be entered in the "Decree and Order Book," hereinafter mentioned, and also at the Foot of the Decree when delivered for Execution, for which the Fee of Sixpence shall be paid to the Sheriff, by the Party demanding such Execution.

Sheriff to levy only for Sum stated.

12. No Sheriff shall levy for any greater Sum than shall be entered at the Foot of the Decree, together with the Poundage Fees on the Sum so entered, or on such Portion thereof as shall be actually levied, with the Keeper's Fees, according to the Scale specified in Part II. of Schedule (B.) to this Act annexed; and no Decree shall be executed at the Foot of which such Entry shall not have been made as aforesaid; and if the Party at whose Suit such Execution shall be demanded, or his Attorney, Agent, or Receiver, shall neglect or omit to deliver such Certificate as aforesaid, or shall appear to have wilfully and maliciously overcharged in such Certificate the Party against whom such Execution shall issue, the Party at whose Suit such Execution shall be demanded shall forfeit to the Party aggrieved such Damages, to be recovered by Process in the Civil Bill Court and not elsewhere, as to the Chairman shall appear reasonable; which Court shall have Jurisdiction and is hereby authorized to hear and determine such Actions, whatever may be the Amount claimed therein, and to decree accordingly.

Sheriff to receive the Poundage Fees on a Levy upon the Goods of a Party.

13. Upon every Levy under a Decree by Execution against the Goods of a Party, the Sheriff shall and may, after such Execution executed, demand and take therefor the Poundage Fees mentioned in that Behalf in Part II. of Schedule (B.) to this Act annexed, on the Sum stated to be due by the Entry at Foot of such Decree, if levied, and in addition thereto; or if the Goods taken shall not amount in Value to the Sum stated in such Entry, then on so much only as he shall levy, and which, in such Case, he shall be entitled to retain out of the Sum levied by him, paying the Balance to the Party demanding such Execution.

Fee to Sheriff from Party demanding Execution against the Body of a Party.

14. Upon every Warrant for Execution under a Decree against the Body of a Party there shall be payable to the Sheriff the Fee specified in that Behalf in Part II. of Schedule (B.) to this Act annexed, to be paid by the Party by whom such Execution shall be demanded, on or before the Delivery of the Decree to the Sheriff for Execution; and in default of such Payment the Sheriff may refuse to execute the same; and such Fee shall not be chargeable against

against the Party against whom such Execution shall be issued: Provided that if the Party against whom such Warrant shall be issued shall not be arrested within Two Months from the Delivery of such Decree to the Sheriff, such Fee shall be returned by the Sheriff to the Person by whom the same shall have been paid.

Decree to be executed within Two Months, or returned, with a Statement of the Reasons for its Non-execution.

15. The Sheriff shall, unless where otherwise directed in Writing by the Party delivering the same, execute every Decree delivered to him as aforesaid, and pay over the Proceeds thereof to the Party on whose Behalf Execution shall be demanded, or his Attorney thereto lawfully authorized, with all Expedition, and at the latest within Two Calendar Months after the said Decree shall be delivered to him for Execution; and if the Sheriff shall within the said Period of Two Months be unable, from sufficient legal Causes, to execute the said Decree, he shall, at the Expiration of the said Period, if required so to do by the Party who shall have delivered the same to him for Execution, or his Attorney thereto lawfully authorized, return the Decree to such Party or to his Attorney, and state in Writing on the Back thereof the Cause of the Non-execution of such Decree, by which Statement the Sheriff shall be bound in any Proceeding taken against him for Neglect of Duty: Provided that if the Sheriff shall execute any Decree before the Expiration of the said Period of Two Months, nothing herein contained shall authorize him to retain the Proceeds so levied until the Expiration of such Period; and provided further, that nothing herein contained shall prevent the Sheriff from executing any Decree after the Expiration of Two Months from its Delivery to him for Execution, so long as the said Decree shall be in force.

Penalty on Sheriff or Bailiff receiving other than the Fees allowed.

16. Any Sheriff or Under Sheriff or any Bailiff empowered to execute a Decree, or any Assistant of such Sheriff, Under Sheriff, or Bailiff, or any Keeper who shall demand or receive from any Person, on or in respect of the Execution of such Decree, any Money or Gratuity, other than the Poundage Fees legally payable on the Execution thereof, as in this Act mentioned, and the Keeper's Fees, in case of a Seizure of Goods thereunder, as specified in Part II. of Schedule (B.) to this Act annexed, or who shall knowingly permit or suffer any One on his Behalf to receive the same, shall be liable to pay a Sum not exceeding Twenty Pounds to any Person who may sue for the same by Civil Bill.

Bailiff extorting guilty of a Misdemeanor.

17. If any Bailiff, or any Person assisting such Bailiff, acting under a Decree of a Civil Bill Court, or under colour of the Process of such Court, shall extort any Money, Security for Money, Chattel, or other Thing, such Person so offending shall be guilty of a Misdemeanor,

demeanor, punishable by a Fine not exceeding Twenty Pounds, or by Imprisonment not exceeding Twelve Calendar Months, with or without Hard Labour, or by both Fine and Imprisonment; and in any Indictment for such Offences it shall only be necessary to aver that the Party charged with the Offence was a Bailiff of the Civil Bill Court of the particular County, or a Person assisting such Bailiff, and that under or under colour of the Process of such Civil Bill Court he did extort Money, or a Security for Money, or some Chattel, as the Case may be.

Sheriff or his Bailiffs to execute all Decrees for Possession of Land.

18. All Decrees for the Possession of Land, and all Orders made by any Judge of Assize upon Appeal from any Decree relating to the Possession of Land, and under which the Possession of Land may be given or taken, shall be executed by the Sheriff of the County in which the said Lands or any Part of them are situated, or by his Bailiffs, and by no other Person, and the Sheriff shall himself or by his Bailiffs execute such Decrees and Orders within One Calendar Month after the same shall have been delivered to him for Execution, unless otherwise directed by the Party delivering the same, and such Decree or Order shall justify the Sheriff or his Bailiffs in entering upon the Premises named therein, with such Assistants as he or they shall deem necessary, and in taking and giving possession thereof accordingly; and in every Decree for the Possession of Land the Sheriff shall be commanded to put the Plaintiff into the Possession of the same; and the Warrant to be annexed to every such Decree shall be in the Form following, or as near thereto as may be:

County of } I authorize and empower *A.B.* of and
to wit. } *C.D.* of , Bailiffs, or either of them,
and their Assistants, to execute the above Decree.

Given under my Hand and Seal, this Day of 18 .

(Seal.) *L. M.* Sheriff of said County.

Provided always, that no Entry shall be made upon any Premises under any Decree or Order for the Purpose of taking possession thereof except between the Hours of Nine in the Morning and Three in the Afternoon, and no such Entry shall be made on a Sunday, Good Friday, or Christmas Day; and whenever the Sheriff shall be a Party to any Ejectment by Civil Bill, the Decree for Possession in such Proceeding shall not be executed by the Sheriff, but such Decree or Order as herein-before mentioned shall be directed to a Special Bailiff, to be named by the Chairman of the County who shall be commanded to execute the same, and no other Person shall execute the same; and such Special Bailiff shall have all the Powers and

and Authority hereby conferred on the Sheriff for giving or taking possession under any Decree or any such Order of a Judge of Assize on Appeal.

Under Sheriff to keep "Ejectment" and "Decree and Order" Books.

19. The Under Sheriff of each County shall enter in a Book, to be kept by him for that Purpose, to be called the "Ejectment Book," the several Decrees in Ejectment which shall be delivered to the Sheriff for Execution, specifying the Names of the Parties therein, the Names of the Lands and the Barony in which the same are situated, the Date of the Decree, and the Date at which the same was delivered to him for Execution, and in Cases for the Non-payment of Rent the Sum ascertained by such Decree as due for Rent, and shall state in the said Book the Time when such Decree shall have been executed, or if not executed the Cause of the Non-execution thereof; and the Under Sheriff shall also keep a Book, to be called the "Decree and Order Book," in which he shall enter the several Decrees, other than those last mentioned, given to the Sheriff for Execution, specifying the Names of the Parties therein, the Sums due on Foot thereof, as stated by the Person delivering the same, and the precise Time and Hour at which such Decrees were delivered to him for Execution, such Time and Hour of Delivery to be in all Cases endorsed by him on the said Decrees, and shall enter in the said Book the Time at which the said Decrees were executed, and the Sum (if any) and Poundage Fees levied or received thereunder, and if such Decrees shall not have been executed the Cause of the Non-execution thereof; and when more than One Decree shall be given to him for Execution against the same Person, the Sheriff shall execute such Decrees in the Order of Time in which the same shall have been respectively delivered to him; and whenever the Sheriff shall not execute any such Decree in Ejectment, he shall endorse on such Decree the Reason why the same was not so executed, and shall, at the Request of the Plaintiff or such other Person as may be entitled to demand the same from him, deliver back such Decree to the Plaintiff or such other Person, when required by him so to do; and the Under Sheriff shall produce the said Books for the Inspection of the Chairman of the County, or of the Clerk of the Peace, whenever he shall be required by the said Chairman or by the Clerk of the Peace, after reasonable Notice so to do.

Proceedings on lodging Civil Bill Decree for Execution.

20. On any Civil Bill Decree being lodged for Execution, the Person receiving the same for the Sheriff shall give to the Person lodging the same a certified Copy of the Entry made by him in his "Ejectment Book" or "Decree and Order Book."

Outgoing Sheriff to give a List of Decrees, &c. remaining unexecuted to his Successor.

21. The Sheriff of every County, County of a City or County of a Town, shall, within One Week after the Expiration of his Term of Office, deliver to the succeeding Sheriff a correct List under his Hand of all Decrees and other Processes in his Possession not wholly executed by him, with all such Particulars as shall be necessary to explain to the succeeding Sheriff the several Matters intended to be transferred to him, and shall thereupon transfer to the succeeding Sheriff all such Decrees and Processes, and all Records, Books, and Matters connected with the Civil Bill Court of such County, and relating to his Duties under this Act; and the succeeding Sheriff shall thereupon sign and give a Duplicate of such List to the Sheriff retiring from Office, to whom the same shall be a sufficient Discharge from the further Execution of the Decrees, Processes, and other Matters therein contained; and the succeeding Sheriff shall thereupon stand charged with the Execution and Care of the said Decrees, Processes, and other Matters contained in the said List, as fully and effectually as if such Decrees and Processes had been made over to him by Indenture and Schedule; and if any Sheriff shall refuse or neglect, on the Expiration of his Term of Office, to deliver such List within such Period as aforesaid, or shall wilfully make out an untrue or incorrect List, or shall refuse or neglect to transfer such Decrees and Processes, Records, Books, and Matters, in manner aforesaid, it shall be lawful for the Chairman of the County, on Complaint made to him in Court by the incoming Sheriff as to any of the said Matters, after Notice given to such outgoing Sheriff Six clear Days before such Application, and upon Proof of such Refusal or Neglect as aforesaid in any of such Particulars, to fine the said outgoing Sheriff in any Sum not exceeding Fifty Pounds; and every such outgoing Sheriff so neglecting or refusing to perform any of the Particulars aforesaid shall be further liable to make such Satisfaction, by Damages and Costs, to the Party aggrieved thereby, as he, she, or they shall sustain by such Neglect or Refusal, such Damages to be recovered in the ordinary Way by Process in the Civil Bill Court, and not elsewhere.

Sheriffs, in Execution of Decrees, to have the same Powers as High Sheriffs have in executing the Writs of the Superior Courts.

22. The Sheriff of each County in Ireland and his Bailiffs shall have in the Execution of the Decrees of the Civil Bill Court of such County all the Powers, Privileges, and Rights which the Sheriffs of the several Counties in Ireland have or are entitled to in the Execution of all Writs delivered to them for Execution out of the Superior Courts in Ireland; and all Constables and other Peace Officers within their several Jurisdictions, and all and every other Person or Persons whom the Sheriff of the County would be entitled to call upon to assist him in the Execution of any Writ, shall to the same

same Extent be liable to assist the Sheriff in the Execution of any Decree of the Civil Bill Courts.

Priority of Executions issuing out of Superior Court and Civil Bill Court.

23. When a Writ against the Goods of a Party shall have issued from a Superior Court, and a Decree against the Goods of the same Party shall have issued from the Civil Bill Court, the Priority of Right to the Goods seized under such Writ and Decree shall be determined by the Priority of the Delivery of such Writ and Decree at the Office of the Under Sheriff in the County Town of the County for immediate Execution.

Rescuing Goods, or assaulting Sheriff or Bailiff in the Execution of their Duty, a Misdemeanor.

24. Whosoever shall, by Violence to, or Threat of Violence to, or Restraint of the Person of any Sheriff, Under Sheriff, or Bailiff when executing any Civil Bill Decree, or by Force, compel or induce such Sheriff, Under Sheriff, or Bailiff to abandon any Seizure of the Body or Goods of any Person previously made by such Sheriff, Under Sheriff, or Bailiff, while in the Execution of such Decree, or who shall rescue or attempt to rescue the Body or Goods of any Person taken under a Civil Bill Decree by such Sheriff, Under Sheriff, or Bailiff, shall be guilty of a Misdemeanor, and, upon Conviction thereof, shall be liable to be imprisoned for a Period not exceeding Six Calendar Months with or without Hard Labour.

Under Sheriff to attend the Civil Bill Court.

25. The Under Sheriff of each County, or his Deputy duly appointed by him in Writing, shall attend every Sitting of the Civil Bill Court of such County, except when his Absence shall be allowed by the Chairman, and shall, in the Execution of his Duties, conform to all such General Rules as shall be from Time to Time made for regulating the Proceedings of the Court, as herein-after provided, and, subject thereto, to the Orders and Directions of the Chairman.

Regulates the Sale of Goods taken in Execution.

26. No Goods or Cattle which shall be taken in Execution under any Decree of a Civil Bill Court shall be sold until after the End of Three clear Days at least next following the Day on which such Goods or Cattle shall have been so taken, unless such Goods be of a perishable Nature, or upon the Request in Writing of the Party whose Goods or Cattle shall have been so taken; and it shall be lawful for the Sheriff from Time to Time to appoint such Persons as he shall think proper for keeping possession of Goods or Cattle so taken in Execution; and the Sheriff shall be entitled to receive out of the Proceeds of the Sale of all Goods or Cattle taken in Execution, and sold by him or by his Bailiffs, a Sum of Money for the Expenses of the Bailiffs or Persons in charge of the Property taken (if such Property shall remain in their Charge), over the

Amount entered at Foot of the Decree, at the Rate of Two Shillings and Sixpence for each Bailiff or Person for every Twenty-four Hours or any fractional Part of such Period that he shall be so in charge, together with such Sum, if any, as he shall actually incur in the Sustenance and Keep of such Cattle: Provided always, that the Number of Bailiffs or Persons for whom the said Sheriff may so charge shall not exceed Two, and the Length of Time for which he shall so charge shall not exceed Five Days; and the said Cattle or Goods shall be sold by public Cant to the highest and best Bidder, between the Hours of Ten in the Forenoon and Three in the Afternoon on such Day after such Third Day as aforesaid, and at such Place, as the Sheriff or his Bailiffs shall appoint, first causing Notice in Writing, entitled in the Cause, of the Time and Place intended for such Sale, to be posted up Two clear Days previous thereto in the Market Town next to the Place of such intended Sale, at the usual Place for posting public Notices there.

Interest in Land not to be sold under Civil Bill Execution.

27. It shall not be lawful to seize or sell under any Civil Bill Execution any Term for Years, or any Estate or Interest in Lands.

Power of Under Sheriff or Bailiff to sell by Auction Goods taken in Execution.

28. The Under Sheriff or any of his Bailiffs shall have Authority to sell Goods taken in Execution by him or by the Sheriff or any Bailiff, without the Assistance of a Licensed Auctioneer: Provided always, that the Sheriff shall be answerable for the proper Care and Sale of the Goods so taken, to the same Extent as Sheriffs in Ireland are answerable for the Care and Sale of Goods taken in Execution by them under Writs out of the Superior Courts.

Provides for the Appointment of a Deputy Under Sheriff as to the Duties of the Civil Bill Court, in case of of Illness, &c. of Under Sheriff.

29. In case of the Death of any Under Sheriff, or of the Inability of any Under Sheriff to perform the Duties imposed on him by this Act from Illness or other Cause, the High Sheriff of such County shall forthwith appoint a fit and proper Person to act as Under Sheriff or Deputy Under Sheriff for the Execution of the Duties of the Civil Bill Court required by this Act, whose Name shall be returned to the Clerk of the Peace within Three Days from such Appointment: Provided that in the event of the High Sheriff being absent from Ireland, or otherwise unable to appoint such Deputy Under Sheriff, it shall be lawful for the Lord Chancellor of Ireland, on the Necessity for executing which Power he shall alone decide, to appoint a fit and proper Person to act as such Under or Deputy Under Sheriff in reference to the Duties of such Civil Bill Court, until such Appointment shall be made by the High Sheriff for the Time being, or any Successor to be duly appointed in his Place.

30. If

Execution to be superseded on Payment of Debt and Costs.

30. If the Party against whom an Execution under a Civil Bill Decree shall be issued shall, before an actual Sale of his Goods seized thereunder, pay or tender, or cause to be paid or tendered to the Sheriff, or to the Bailiff employed to execute the Decree, the Amount specified to be levied at the Foot of such Decree, or such Part thereof as the Person entitled thereto shall agree to accept in full or in part Payment of his Debt, together with the lawful Poundage Fees and Charges to the Bailiffs or Keepers in care of the same, the Execution of the said Decree shall be superseded or suspended, as the Case may be, for such Time as the Person issuing such Execution shall direct, and the Goods of the said Party shall be released; and any Person taken into Custody under any such Decree who shall have satisfied the Sum stated in the Entry at Foot thereof, or such Portion thereof so agreed to be accepted as aforesaid, shall be discharged from Custody, but shall be liable to be again taken for the Residue, if any, which shall remain due on such Decree, provided such Residue shall, exclusive of the Costs of such Decree, exceed Ten Pounds.

Clerks of Peace to retain a Poundage on the Fees lodged with them for the Account of the Sheriffs.

31. And whereas it is fit that the Clerks of the Peace should be indemnified for the Trouble and Responsibility imposed on them by this Act in receiving the Fees mentioned in Part I. of Schedule (B.) to this Act annexed, for the Account of the Sheriff, on the Entry of Processes for Hearing and issuing the Decrees of the Civil Bill Court: Be it enacted, That the Clerks of the Peace, when acting in person, or if not so acting, then the Deputy or acting Clerk of the Peace shall be at liberty to retain for their own Use One Penny out of each Shilling to be so paid to them for the Account of the Sheriff on the Entry of Processes for hearing and on issuing said Decrees.

General Power of Appeal in all Proceedings under this Act.

32. In any Case where a Party shall be dissatisfied with the Judgment or Decree of the Chairman in respect of any Proceedings instituted by virtue of this Act, it shall be lawful for such Party to appeal against such Judgment or Decree, in like Manner, and upon the like Terms and Stipulations, as Appeals in other Cases are allowed to be brought under the Acts now in force relating to Proceedings by Civil Bill.

Judge of Assize on Appeal may reserve Questions of Law for the Consideration of

33. It shall be lawful for any Judge of Assize, or any Person duly appointed to act as such, to reserve any Question of Law arising upon the Hearing of any Civil Bill Appeal for the Consideration of the Judges, and thereupon to direct that a Case shall be stated for the Opinion of One of the Superior Courts of Law, to

the Judges of the Superior Courts.

be named by such Judge, such Case to be signed by the Judge, and to be set down for Argument by the Appellant within Ten Days after the same shall have been so signed; and the said Court shall decide upon the Question of Law so reserved, and reverse or affirm the Decree, in the same Manner as the Judge so reserving such Question might or could have done, with or without Costs; and if the Appellant shall fail to set down the Case within the Time above mentioned, the Decree shall stand confirmed, with Costs.

No Suit to be brought in the Superior Courts on a Civil Bill Decree, &c.

34. No Action or other Proceeding shall be brought in the Superior Courts of Common Law in Ireland upon any Decree of any Civil Bill Court; but nothing herein contained shall be deemed to repeal or alter the Seventeenth and Eighteenth Sections of the Act passed in the Twelfth and Thirteenth Years of Her Majesty, Chapter One hundred and four, for filing and enrolling, as Judgments of the Superior Courts, Civil Bill Decrees for the Recovery of Poor Rates.

No Civil Bill to be brought upon any Judgment or Decree of a Superior or Petty Session Court.

35. It shall not be lawful for any Person who shall have obtained a Judgment in any of the Superior Courts at Law, or a Decree or Order of any Petty Sessions Court in Ireland, to sue by Civil Bill in Ireland upon such Judgment, Decree, or Order, nor to proceed by Civil Bill for the Recovery of any Money which was the Subject of the Suit upon which such Judgment, Decree, or Order was obtained.

Amending the 50th Section of 14 & 15 Vict. c. 57., by directing the Time within which Executors Accounts should be lodged.

36. And whereas Provision is not made in the Act passed in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, Section Fifty, for the Time within which Executors and Administrators should lodge the Accounts and Schedules in the said Section of the said Act mentioned: Be it enacted, That such Executor or Administrator shall lodge with the Clerk of the Peace such Schedule or Schedules or Accounts within One Calendar Month after he shall have been called on in Writing to do so, by any Person entitled to demand that the same should be lodged as in that Section named, or within such other Time as the Court shall order; and in default of his so doing, if no sufficient Cause shall be shown for such Default, such Executor or Administrator shall forfeit a Sum not exceeding Twenty Pounds, to be recovered as in the said Section of the said Act is mentioned.

Chairman may issue a Warrant for bringing up a Prisoner to give Evidence.

37. The Chairman of the County, upon Application on Affidavit by either Party in a Suit depending before him, may, if he shall think fit so to do, issue an Order under his Hand and Seal for bringing up before the Civil Bill Court any Prisoner or Person confined in any Gaol,

Gaol, Prison, or Place within his County, under Sentence, or under Commitment for Trial, or for other Cause, except under Process in any Civil Action, Suit, or Proceeding, to be examined as a Witness in any Cause or Matter depending before such Court; and the Person so required to be brought before such Court shall be brought under the same Custody and shall be dealt with in all respects as a Prisoner required by any Writ of Habeas Corpus awarded by any of Her Majesty's Superior Courts of Law at Dublin to be brought before such Court to be examined as a Witness is now by Law required to be brought and dealt with: Provided always, that the Person having the Custody of such Prisoner or Person shall not be bound to obey such Order unless a reasonable Sum be tendered to him for the Conveyance of a proper Officer or Officers, and of the Prisoner or Person, in going to and returning from such Court, such Sum to be Part of the Witness's Expenses incident to the Hearing of the Cause, unless otherwise ordered by the Chairman; provided also, that no Person confined in a County or City Gaol shall be brought up under any such Order to any other Place than to the Court House of such County Town, or City or Town, where such Gaol is situated.

Chairman may renew Decree in Ejectment within Six Months, if Possession unlawfully taken by the Defendants.

38. Where a Decree for the Possession of Lands shall have been pronounced by the Chairman of the County, and the Defendant in such Decree shall, after the same shall have been executed by the Sheriff, and within Six Calendar Months after the Execution of such Decree, unlawfully re-enter or take possession of the Lands mentioned therein, it shall be lawful for the Chairman, upon the Application of the Plaintiff therein, to renew such Decree, for the Purpose of enabling the said Plaintiff to re-execute the same; provided that such Application shall be made at a Sessions to be held for the Division in which such Lands are situated of which such Possession shall have been unlawfully taken as aforesaid by the Defendant in any such Decree, such Renewal to be granted upon such Notice, and in like Manner, as Renewals of Decrees in ordinary Civil Bill Cases are now by Law authorized to be granted.

Affidavits to be used in Civil Bill Courts may be sworn before particular Persons out of Sessions.

39. All Affidavits to be used in any Civil Bill Court in Ireland may be sworn before the Chairman of the County out of Quarter Sessions, and any where in Ireland, or before any Master Extraordinary in Chancery in England or Ireland, or any Commissioner for taking Affidavits in any of the Superior Courts at Westminster or Dublin; provided that all Affidavits taken as in this Section mentioned shall be filed as of Record in the Court where the same are intended to be used before the same shall be read, for the filing of which the Clerk of the Peace shall be entitled to receive a Fee of Sixpence.

Affidavit of Landlord or Agent admissible in Ejectment for Nonpayment of Rent.

40. And whereas the Eighty-eighth Section of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, is repealed by the Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and fifty-four, and it is expedient to re-enact the Provisions of the said Section to such Extent as is herein-after next mentioned: Be it enacted, That in all Proceedings by Civil Bill Ejectments for Nonpayment of Rent, where the Defendant shall not appear to defend the same, the Affidavit of the Landlord or Lessor, or his Agent or Receiver, for ascertaining the Amount of the Rent due, shall be admissible.

Power to Chairman to adjourn Case to another Division.

41. If the Chairman of the County shall be satisfied that any Suit pending by Civil Bill in his Court can be more conveniently tried in any other Division of his County than that to which it has been returned for Hearing, or if during the Hearing of any Suit it shall appear to the Chairman that it would meet the Ends of Justice to adjourn the further Hearing of the said Suit to some Town in another Division of the County, it shall be lawful for him to direct that such Case shall be heard in such other Division, or he may adjourn the Hearing of the same to any Town in such other Division; and any Decree made in such other Division shall in that Case have the same Effect as if the same were pronounced in the Division to which the Suit was originally returned for Hearing.

Power of Amendment.

42. It shall be lawful for the Chairman of the Civil Bill Court, or any Judge of Assize on Appeal, at all Times to amend all Processes, by adding or striking out Parties, whether Plaintiffs or Defendants, and all other Defects and Errors in any Civil Bill Process or Notice, or other Proceeding of the Civil Bill Court, whether there may be anything in Writing to amend by or not; and all such Amendments may be made in such Manner as shall be thereby directed, and with or without Costs, and upon such Terms as to the said Chairman or Judge shall seem fit; and all such Amendments as may be necessary for the Purpose of determining in any existing Suit the real Question in controversy between the Parties shall be so made; and when such Amendment shall be allowed, the Order for allowing the same, specifying the Amendment, shall be entered as of Record upon the Court Book of the Clerk of the Peace: Provided always, that no such Amendment shall be made if it shall appear to the Chairman or to the Judge of Assize on Appeal that the same is calculated to mislead and injuriously prejudice the opposite Party in the Merits of his Case.

43. If

Amendment of Orders or Convictions of Magistrates on Appeal.

43. If on the Trial of any Appeal to any Court of General Quarter Sessions of the Peace in Ireland, or to the Chairman of the County, against any Conviction or Order made or pronounced by any Justice or Justices of the Peace, any Objection shall be taken on account of any Omission or Mistake in the making or drawing up of such Conviction or Order, or any Variance between the Facts stated in such Conviction or Order and the Evidence adduced in support thereof, and it shall be shown to the Satisfaction of the Court that sufficient Grounds were in Proof before the Justice or Justices making such Conviction or Order to have authorized the drawing up thereof free from the said Omission or Mistake, or that such Variance is in some Point not material to the Merits of the Case, it shall be lawful for the Court to amend such Conviction or Order, on such Terms as it shall think fit, and to adjudicate thereupon as if no such Omission or Mistake or Variance had existed.

Power to take fresh Recognizances on Appeals, where those entered into may be defective in Form.

44. And whereas the Act now in force giving a Right of Appeal to the Courts of General Quarter Sessions in Ireland, or to the Chairman of the Civil Bill Courts in Ireland, frequently require a Recognizance or Recognizances to be entered into as a Condition of such Appeal, and Appellants are liable to be prevented from trying their Appeals upon the Merits in consequence of Imperfections in the taking of such Recognizances: Be it enacted, That where any Recognizance or Recognizances which shall have been entered into within the Time by Law required, before any Justice or Justices, for the Purpose of complying with any such Condition of Appeal, shall appear to the Court before which such Appeal is brought to have been insufficiently entered into, or to be otherwise defective or invalid, it shall be lawful for the Court, if it shall so think fit, to permit the Substitution of a new and sufficient Recognizance, or new and sufficient Recognizances, to be entered into before such Court, in the Place of such insufficient, defective, or invalid Recognizance or Recognizances, and for that Purpose to allow such Time, and make such Examination, and impose such Terms as to Payment of Costs to the Respondent or Respondents, as to such Court shall appear just and reasonable, and such substituted Recognizance or Recognizances shall be as valid and effectual to all Intents and Purposes as if the same had been duly entered into at any earlier Time or Times, as required by any Act or Acts now in force.

Power to give Costs when Appeal not proceeded with.

45. And for the more effectual Prevention of frivolous Appeals be it enacted, That any Court of General or Quarter Sessions of the Peace, upon Proof of Notice of any Appeal to such Court having been given

given to the Clerk of the Petty Sessions Court, and such Recognizance having been entered into as in "The Petty Sessions (Ireland) Act, 1851," is in that Behalf mentioned, though such Appeal may not be afterwards prosecuted or entered, or though Notice in Writing of the Intention of the Party to prosecute the same shall not have been served Seven clear Days before the Commencement of said Sessions, as by said Act required, may, if it shall so think fit, at the Sessions for which such Notice of Appeal was given, order to the Party receiving the same such Costs and Charges not exceeding Forty Shillings as by the said Court shall be thought reasonable and just to be paid by the Party giving such Notice, such Costs to be recoverable in the same Manner as the Costs in ordinary Cases of Appeal are now by Law recoverable.

Expenses to be allowed to Witnesses, as Chairman shall direct.

46. It shall be lawful for the Chairman of the County or Judge of Assize upon Appeal to allow reasonable Expenses to any Person examined before him in any Proceeding by Civil Bill, and to tax and award against the unsuccessful Party in any such Proceeding the Expenses so allowed, not to exceed the Sum of Three Pounds to any One Witness.

Process out of a County may be served by any Person, and when served by a Process Officer of the County may be proved by Affidavit.

47. Every Process which shall be required to be served out of the County in which the Cause is to be heard may be served by the Process Officer of any Civil Bill Court or by any other Person; and when the Service of Process out of the County shall be made by a Process Officer of the County where such Service shall be made, such Service may be proved by Affidavit purporting to have been made before a Master Extraordinary in Chancery or any other Person now authorized by Law to take Affidavits; and the Fee for taking such Affidavit shall be One Shilling, and shall be Part of the Costs incident to the Civil Bill; and such Affidavit shall be filed with the Clerk of the Peace of the County in which the same shall be used as Evidence of Service, and before the Hearing of the Cause in which such Affidavit is intended to be used, and shall specify fully the Residence of the Parties served, and the Residence of the Person making such Affidavit, and the Manner in which Service was effected, for the filing whereof such Clerk of the Peace shall be entitled to a Fee of Sixpence.

This Act incorporated with recited Acts.

48. The Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Fifty-seven, intituled "An Act to consolidate and "amend the Laws relating to Civil Bills and the Courts of Quarter "Sessions in Ireland, and to transfer to the Assistant Barristers "certain Jurisdiction as to Insolvent Debtors," and "The Landlord and Tenant Law Amendment Act, Ireland, 1860," shall, as to such

of

of the Provisions of said Acts as relate to the Civil Bill Courts of Ireland, or any Proceeding therein, be incorporated with this Act, and shall, so far as the same are not inconsistent with this Act, be read as if the said recited Acts (except such Parts thereof as have been repealed or amended by this Act) and this Act were One Act.

Existing Decrees to remain in force, and to be executed with annexed Warrants as directed by this Act.

49. All Decrees and other Proceedings of every Nature and Kind obtained in any County Court in Ireland, and in force and unexecuted at the Time of the Commencement of this Act, shall, notwithstanding anything herein contained, remain and be in force so long as the same would have been in force and effect if this Act had not been passed, and may be executed with such Warrant annexed thereto as is by this Act directed.

Original not necessary to be shown at Time of Service, &c.

50. So much of Section Sixty-five of the Fourteenth and Fifteenth Victoria, Chapter Fifty-seven, as requires the Original of a Civil Bill Process to be shown to the Party served with such Process, and so much of Section Sixty-six of said Act as requires, in the Case of Lodgers, that a Copy of the Process shall be posted on the usual Place for posting Notices on the nearest Police Barrack to the House in which the Defendant shall so lodge, shall be and the same are hereby repealed.

Entries in Clerk of the Peace's Book Evidence.

51. In all Proceedings, Civil or Criminal, the Entry in the Clerk of the Peace's Book of a Decree or Dismiss shall be conclusive Evidence that a Decree or Dismiss between the Parties named in such Entry, and to the Purport and Effect mentioned therein, was pronounced by the Chairman of the County at the Sessions of which such Book shall purport to be the Record, and it shall not be necessary in any Case to produce the Decree or Dismiss signed by the Chairman.

General Rules may be made from Time to Time.

52. It shall be lawful for the several Chairmen of Quarter Sessions in Ireland, or for any Five of them, to be selected at a Meeting of the said Chairmen to be convened for that Purpose, to make and issue such General Orders, Rules, and Regulations as they shall think fit, from Time to Time and as often as may be deemed necessary, for regulating the Forms, Proceedings, and general Practice of the Civil Bill Courts in Ireland, and from Time to Time to alter, vary, and annul any previous Order relating to the Practice of the said Courts, and to make any new or other Rule or Rules, Orders and Regulations, in lieu thereof, provided that any such Rules, Orders, and Regulations shall not be inconsistent with this Act, or any Act in force in Ireland relating to Civil Bills. Such Rules, Orders, and Regulations shall be submitted to the Lord

Chancellor of Ireland, for his Approval, and Copies of all such Rules, Orders, and Regulations, when so approved, shall be transmitted to the Under Sheriffs and the Clerks of the Peace of the respective Counties in Ireland, to be by them kept and preserved in their Offices, and there to remain open at all Times to public Inspection; and such Rules, Orders, and Regulations, when approved by the said Lord Chancellor, shall be as binding as if they were contained in this Act.

Schedules to be Part of this Act.

53. The Schedules to this Act annexed shall be taken to be a Part of this Act; and the Forms herein contained, or any other Forms to the like Effect, may be used in the respective Cases to which they are applicable, and shall be good and sufficient for such Cases.

Repeal of Acts and Parts of Acts as in Schedule (C.)

54. From and after the Commencement of this Act, the several Acts and Parts of Acts set forth in the Schedule (C.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts, or such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be and the same are hereby repealed, except as to anything done before the Commencement of this Act, and except so far as any of the said Acts or Parts of Acts repeal any former Act or Part of an Act, and except so far as may be necessary for the Purpose of supporting and continuing any Proceeding taken before the Commencement of this Act, and except as to the Recovery or Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Under Sheriff shall not act as an Attorney before the Chairman.
Penalty, 100*l.*

55. No Under Sheriff, or any Person for his Use or Benefit, shall act as an Attorney in any Cause or Proceeding to be heard or determined before any Chairman or Judge of the County Court of any County in Ireland; and if any such Under Sheriff, or any Person for his Use or Benefit, shall so act as an Attorney in any such Cause or Proceeding, such Under Sheriff shall thereupon forfeit the Sum of One hundred Pounds, to be recovered by any Person, within One Year after such Offence committed, by Action or Information in any of Her Majesty's Courts of Record in Dublin.

Under Sheriff to keep an Office in the County Town or in

56. The Under Sheriff for each County in Ireland shall at all Times have and keep in the County Town of the County for which he shall be so appointed, or in such One of the Quarter Sessions Towns of the County as may be most convenient, and as may be approved

approved by the Chairman of Quarter Sessions, an Office for the Performance of his Duties under this Act, and such Office shall be kept open every Day in the Year (Sundays, Christmas Day, and Good Friday only excepted,) from Ten o'Clock in the Morning until Three o'Clock in the Afternoon, such Office to be in the Charge of a Clerk to be appointed by such Under Sheriff, and the Delivery of every Decree or other Document to such Clerk shall be a Delivery to the said Under Sheriff; and the Application for a Return of a Decree to the said Clerk shall be an Application to the said Under Sheriff; and the said Under Sheriff shall keep in the said Office, and not elsewhere the "Ejectment" Book, and "Decree and Orders" Book in this Act mentioned.

One of the Quarter Sessions Towns.

57. In all Actions and Proceedings by Civil Bill under this Act the Fees specified in the Schedule (B.) to this Act annexed shall be established, and be deemed and taken as the lawful Fees and Emoluments for the Discharge of the several Duties therein specified by the respective Persons therein mentioned, and by the Process Officers for the Service of all Civil Bill Processes, whether under this Act or otherwise, and no other Fees or Payments shall be recoverable for the Discharge of such Duties; and every Sheriff, Clerk of the Peace, Attorney, Bailiff, or Process Officer who shall receive any greater Fee, Gratuity, Emolument, or other Consideration for any of the Services herein-before or in the said Schedule specified shall forfeit and pay the Sum of Ten Pounds Sterling for every such Offence, to be recovered by Civil Bill by any Person who may sue for the same.

Fees in Schedule (B.) to be the lawful Fees for the Discharge of the Duties named.

58. The several Fees mentioned and set forth in the Schedule (B.) to this Act annexed in that Behalf shall, save wherein herein-before or in the said Schedule otherwise expressly declared, be chargeable against the Party against whom any Decree or Dismiss shall be pronounced upon any Civil Bill or other Proceeding brought under the Provisions of this Act, and in all Cases whatsoever as to the Fees hereby provided for the Process Officers.

Fees in Schedule (B.) to be chargeable against the unsuccessful Party, save where otherwise provided.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (B.)

Part I.

Fees payable to the Sheriff (in lieu of the Fees of One Shilling and Two and Sixpence now payable to him under the 14th and 15th Victoria, Chapter 57., for granting a Warrant to the Special Bailiffs of the Plaintiff's Nomination in Ordinary and Ejectment Decrees).

	£	s.	d.	
On every Process or Ejectment entered for Hearing with the Clerk of the Peace -	0	0	6	Such Fee to be paid to the Clerk of the Peace, for the Account of the Under Sheriff, at the Time of the Entry, to be taxed with the Plaintiff's Costs, if a Decree be made in his Favour.
On every Decree, Dismiss, Renewal, or Order (save those in Ejectment Cases or Orders or Writs of Restitution as to Lands):—				Such Fees to be paid to the Clerk of the Peace, for the Account of the Under Sheriff, by the Person in whose Favour the Decree is pronounced, before he shall be entitled to receive the same, and to be taxed at Foot of the Decree as Portion of the Costs payable by the Party against whom such Decree shall be pronounced.
For any Sum not exceeding 20*l.* - -	0	1	0	
Exceeding 20*l.* - - -	0	2	0	
On every Decree, Dismiss, and Renewal in Ejectment Cases, and on every Order or Writ of Restitution as to Lands -	0	2	6	

Part

Part II.

Fees payable to the Sheriff.

	£	s.	d.	
For executing any Decree, Dismiss, Renewal, or Order (except Decrees or Renewals in Ejectment Cases, or Writs or Orders of Restitution as to Lands) - -	-		-	One Shilling in the Pound (or for any fractional Part of the First Pound) on the Amount stated in the Entry at Foot of the Decree, Dismiss, Renewal, or Order, if the entire Amount shall be levied; or if the entire Amount shall not be levied, then on the Amount actually levied, and so in proportion for any fractional Part of a Pound after the First Pound; One Shilling to be paid in every Case of a Levy, though the Amount produced may not be One Pound.
In all Cases for executing any Decree, Dismiss, Renewal, or Order, by *Arrest* of the Party -	0	10	0	To be paid to the Sheriff on the Delivery of the Decree by the Person desiring to execute the same by Arrest of the Party, and also 6*d.* per Statute Mile for the Conveyance of the Party, if arrested, from the Place of his Arrest to the County Gaol, to be chargeable to and recovered from the Person demanding such Execution by Arrest.
For executing any Decree or Renewal in Ejectment, or Writ or Order of Restitution as to Lands	1	1	0	And where the personal Attendance of the Sheriff shall be required by the Party executing the Decree, and the Lands shall be more than 10 Statute Miles distant from the County Town, 6*d.* additional for every such Statute Mile on going to such Lands, not to be charged against the opposite Party.
In Cases of Replevin, for drawing Affidavit of Value by Replevingers, and in full of all Charges in relation to such Cases - -	0	4	0	
To the Sheriff in full for Proceedings by Interpleader - -	0	3	6	
For returning a Jury in any Case	0	3	6	

	£	s.	d.	
To Keepers (not exceeding Two in Number) of Goods seized under any Decree or Dismiss, per Day each (not exceeding Five Days) - - - -	0	2	6	
For filing the Certificate and making the Entry at Foot of the Decree, as in Section 11. of this Act mentioned - - -	0	0	6	To be paid by the Party presenting such Certificate.

Part III.

Fees payable to the Clerk of the Peace.

	£	s.	d.	
For the filing of any Affidavit sworn under the special Provisions of the and Sections of this Act - - -	0	0	6	To be paid by the Person requiring such Affidavit to be filed, and not to be taxable against the opposite Party.
For preparing a fresh Recognizance in Cases of Appeal, when required so to do under the Section - - - -	0	3	6	
And One Penny in every Shilling lodged with them for the Account of the Sheriff, as herein-before mentioned, to be retained by them out of the Monies so lodged.				

Part IV.

Attorney's Fees.

	£	s.	d.	
For preparing, presenting, &c. the Certificate of the Sum due on Foot of any Decree, as in Section 11. of this Act - - -	0	1	0	
To the Plaintiff's Attorney in full for all Proceedings as to the Re-execution of Ejectment Decrees, under the Section of this Act, and making the Application to the Court, as thereby directed -	0	10	6	
For attending the Clerk of the Peace with any Affidavit to be filed under the special Provisions of the and Sections of this Act - - - - -	0	1	0	Not to be chargeable against the opposite Party.

PART V.

Process Officers Fees.

	£	s.	d.
Serving Civil Bill in any Case where there is but One Defendant, or several Defendants residing in the same House, where the Sum sought to be recovered shall not exceed 10*l.* - - - -	0	0	6
For serving Two or more Defendants not residing in the same Dwelling House, where the Sum sought to be recovered shall not exceed 10*l.* - - -	0	1	0
For serving One Defendant, or several Defendants residing in the same House, where the Sum sought to be recovered shall exceed 10*l.* - - -	0	1	0
For serving Two or more Defendants not residing in the same Dwelling House, where the Sum sought to be recovered shall exceed 10*l.* - - -	0	2	0

SCHEDULE (C.)

Acts and Parts of Acts to be repealed, so far only as they may relate to any Proceedings by Civil Bill under this Act.

Date of Act.	Title.	Extent of Repeal.
14 & 15 Vict. c. 57.	An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.	Section 95. So much of the Forms 26 and 27, Schedule (C.), as relate to the Forms of the Sheriffs Warrants to Special Bailiffs of the Plaintiffs Nomination on Decrees and Dismisses. So much of Section 139. providing that no Civil Bill Decree for Possession of any Lands or Tenements, or any Affirmance of such Decree, shall be renewed, save for the Costs thereby decreed, as is inconsistent with the Power of Renewal specially given by this Act. Section 145. Section 146. Section 147. So much of Section 152. and Schedule (D.) therein referred to relating to Fees payable to Sheriffs, Process Servers, and Keepers, as is inconsistent with the Fees given to them by this Act.
23 & 24 Vict. c. 154.	An Act to consolidate and amend the Law of Landlord and Tenant in Ireland.	Section 92. Section 93.

Civil Bill Courts (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Procedure of the Civil Bill Courts in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland, Sir Robert Peel, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 26 *April* 1864.

[Bill 79.]

Under 4 *oz.*

LORDS AMENDMENTS

TO THE

CIVIL BILL COURTS (IRELAND) BILL.

Note.—*The Page and Line refer to the Bill* (67.) *as printed by the Lords.*

Page 4.

Line 30. After ("House") insert ("and in every Petty Sessions "Room")

Line 36. After ("Act") insert Clause A.

CLAUSE A. If a Judge of a Superior Court shall be satisfied that a Party against whom Judgment for an Amount exceeding Twenty Pounds, exclusive of Costs, has been obtained in a Civil Bill Court has no Goods or Chattels which can be conveniently taken to satisfy such Judgment, he may, if he shall think fit, and on such Terms as to Costs as he may direct, order a Writ of Certiorari to issue to remove the Judgment of the Civil Bill Court into One of the Superior Courts, and when removed it shall have the same Force and Effect and the same Proceedings may be had thereon as in the Case of a Judgment of such Superior Court, but no Action shall be brought upon such Judgment.

Page 6.

Line 22. Leave out from ("shall") to the End of the Clause, and insert ("be liable to an Action for Damages at the Suit of the "Party aggrieved")

Page 11.

Line 29. After ("or") insert ("when his Absence shall be "allowed for a reasonable Cause by the Chairman")

Line 30. After ("Writing") insert ("with the Approval of the "Chairman")

Page 12.

Line 38. After ("Person") insert ("to be approved of by the "Chairman")

Page 13.

Lines 3 and 4. Leave out ("on the Necessity for executing "which Power he shall alone decide")

Line 38. After ("Decrees") insert Clause B.

CLAUSE B. From and after the passing of this Act it shall be lawful for the Party to the Suit or other Proceedings, or for an Attorney of One of Her Majesty's Superior Courts of Record, being the Attorney on Record for such Party or the Country Agent of such Attorney (but not an Attorney engaged to act as an Advocate by the Attorney on the Record, or his Agent), or for a Barrister

retained on behalf of such Party by the Attorney on Record, but without any Right of exclusive or prior Audience, or, by Leave of the Chairman, for any other Person allowed by the Chairman, to appear instead of the Party to address the Court, but subject to such Rules as may from Time to Time be duly framed for the orderly Transaction of the Business of the Court, pursuant to the Statutes for regulating the Practice of the Civil Bill Courts in Ireland.

Page 14.

Line 32. Leave out ("for their Decision")

Line 33. After ("Assize") insert ("for the Decision of a "Superior Court of Common Law")

Page 17.

Line 4. After ("Receiver") insert ("or Accountant")

Page 19.

Line 11. Leave out ("Three") and insert ("Five")

Page 21.

Line 25. Leave out ("or Judge of the County Court")

Page 23.

At the End of the Bill add Clause C.

CLAUSE C. It shall not be lawful for the Chairman of any County in Ireland to open his Court or to hear any Case of Civil Bill on Good Friday, or on the Day preceding or the Day after Christmas Day; neither shall it be lawful for him to open his Court or to hear any Case of Civil Bill before Ten of the Clock in the Morning, nor shall it be lawful for him to commence the Hearing of any Civil Bill after Five of the Clock in the Afternoon of any other Day.

Page 25.

Line 34. Leave out from ("Arrest") to ("In") in Line 48, and insert

For executing any Decree or Renewal in Ejectment, or Writ or Order of Restitution as to Lands not exceeding Five Pounds annual Valuation, and where the personal Attendance of the Sheriff is not required - - - -	0	10	0	
And where the personal Attendance of the Sheriff shall be required, or where the Lands exceed Five Pounds annual Valuation -	1	1	0	And where the personal Attendance of the Sheriff shall be required by the Party executing the Decree, 6*d.* additional shall be paid to the Sheriff for every Statute Mile he shall necessarily travel on going to such Lands, such Mileage not to be charged against the opposite Party.

LORDS AMENDMENTS

TO THE

CIVIL BILL COURTS (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed*,
20 *July* 1864.

[Bill 228.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act for amending the Law relating to the Removal of Clerks of the Peace.

WHEREAS by the Sixth Section of the Act of the First Year of King William and Queen Mary, Chapter Twenty-one, it was enacted, that if in any County, Riding, Division, or Place any Clerk of the Peace already nominated or thereafter to be nominated should misdemean himself in the Execution of his Office, and thereupon Complaint in Writing of the said Misdemeanor should be exhibited against him to the Justices of the Peace in their General Quarter Sessions, it should be lawful for the said Justices or the major Part of them, from Time to Time, upon Examination, and due Proof thereof, openly in their said General Quarter Sessions, to suspend or discharge him from the said Office; and in such Case the Custos Rotulorum or other Person to whom the Right of Nomination belonged should appoint another sufficient Person to be a Clerk of the Peace, as in the said Act mentioned: And whereas Cases have occurred in which Clerks of the Peace have been guilty of such Misconduct as to render them unfit to hold their Offices, but the Justices have been unable to remove them by reason that such Misconduct did not occur in the Execution of their Office: And whereas it is expedient to provide for such Cases as lastly herein-before mentioned: Preamble.

mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act.

1. This Act may be cited for all Purposes as "The Clerks of the Peace Removal Act, 1864."

Removal of Clerk of the Peace.

2. If it appear to any Two Justices of the Peace of a County that the Clerk of the Peace of that County has, after the passing of this Act, been guilty of such Misconduct, otherwise than in the Execution of his Office, as in the Opinion of the said Justices to render him an unfit or improper Person to hold the Office of Clerk of the Peace, the said Justices may exhibit against him to the Court of General or Quarter Sessions of the County a Complaint in Writing, stating the Misconduct of which the Clerk has been guilty, a Copy of which shall be at the same Time sent to the Custos Rotulorum, and it shall be lawful for the said Court, if satisfied, upon due Examination in open Court, that the Clerk complained of has been guilty of the Misconduct imputed to him, and that the same is such as to render him an unfit or improper Person to hold his Office, to suspend or remove him from his Office, and a new Clerk of the Peace shall be appointed in manner provided by the said Act in Cases where a Clerk of the Peace has misdemeaned himself in the Execution of his Office.

Appeal to Lord Chancellor.

3. If the Clerk of the Peace complained of feels aggrieved by the Decision of any Court of General or Quarter Sessions under this Act, he may, within Three Months after the Delivery of such Decision, appeal to the Lord Chancellor by Motion in a summary Manner, and it shall be lawful for the Lord Chancellor to reverse, confirm, or modify the Decision of the said Court of General or Quarter Sessions, or to remit the Case with such Directions as the Lord Chancellor may think just.

Definition of "County" and "Clerk of the Peace."

4. The Word "County" in this Act shall include any Riding, Division, or Liberty of a County, or any City, Borough, or other Place having a separate Court of Quarter Sessions. The Expression "Clerk of the Peace" shall include any Officer performing the Duties of a Clerk of the Peace.

Clerks of the Peace Removal.

A

BILL

INTITULED

An Act for amending the Law relating to the Removal of Clerks of the Peace.

(*Brought from the Lords* 8 *July* 1864.)

Ordered, by The House of Commons, *to be Printed*, 14 *July* 1864.

[Bill 209.]

Under 1 *oz.*

A

BILL

TO

Alter and amend the Laws relating to the Collection of the Land Tax, Assessed Taxes, and Income Tax.

Preamble.

WHEREAS, under and by virtue of the several Acts in force relating to the Land Tax, the Assessed Taxes, and the Income Tax, the Commissioners acting in the Execution of the said Acts respectively in their respective Districts are authorized and required to appoint Persons to be Collectors of the said Taxes respectively, and it is expedient that in lieu of Collectors appointed by the said Commissioners as aforesaid the Commissioners of Inland Revenue should be authorized to employ the Officers of Inland Revenue in the Collection of the said Taxes in the Cases and under the Circumstances herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation Clause: "Commissioners of

1. The Expression "the Commissioners of Taxes" and the Term "Board" used in this Act shall respectively mean the Commissioners acting at a Meeting in their respective Districts in the Execution of

Taxes;" "Board."

the several Acts relating to the Land Tax, the Assessed Taxes, and the Income Tax respectively.

Commissioners of Inland Revenue to give Notice to Commissioners of Land Tax of Intention to appoint Officers of Inland Revenue to be Collectors of Taxes, unless the Boards of Commissioners of Land Tax respectively express their Dissent.

2. Whenever it shall appear to the Commissioners of Inland Revenue to be expedient and proper that in any County, Riding, City, Borough, Cinque Port, Town, or Place for which separate Commissioners of Land Tax have been appointed with exclusive Jurisdiction, the aforesaid respective Taxes should be collected by Officers of Inland Revenue in lieu of Collectors appointed by the Commissioners of Taxes, the said Commissioners of Inland Revenue shall, by a Letter to the respective Clerks of the several Boards of Commissioners of Land Tax within or for such County, Riding, City, Borough, Cinque Port, Town, or Place, announce the Intention of the said Commissioners of Inland Revenue to appoint such Officers to be Collectors of the said Taxes within the Districts of such Boards respectively, unless, within the Space of One Month from the Date of such Letter, at a Meeting of the said respective Boards of Commissioners of Land Tax, it shall be resolved by a Majority of the Commissioners then present that it is not expedient that the said respective Taxes should be collected by Officers of Inland Revenue in lieu of Collectors appointed by the Commissioners of Taxes; and a Copy of such Resolution, signed by the Chairman of the said Meeting, shall be transmitted to the Commissioners of Inland Revenue within *One Week* after the Expiration of the said Month; and if such Resolution shall not be passed, and signed, and transmitted, within the Time and in the Manner aforesaid, by *One Third* at the least in Number of the said respective Boards, then it shall be lawful for the Commissioners of Inland Revenue, at such Time or Times as they shall deem to be proper and convenient, and from Time to Time thereafter, to appoint such Officer or Officers of Inland Revenue as they shall think fit to be a Collector or Collectors of all or any of the said Taxes in and throughout the whole of such County, Riding, City, Borough, Cinque Port, Town, or Place, and every District within the same.

Commissioners of Inland Revenue, when authorized to appoint Collectors, to give Notice to Commissioners of Taxes of the Time when they

3. In any Case in which the Commissioners of Inland Revenue are authorized in manner aforesaid to put in execution the Provisions of this Act in any County, Riding, City, Borough, Cinque Port, Town, or Place, they shall give Notice of their Intention so to do to the Commissioners of Taxes by a Letter to their respective Clerks; and from and after the Time mentioned in such Letter as that at which the Commissioners of Inland Revenue intend to put in execution the Provisions aforesaid, the Power and Authority of the Commissioners of Taxes to appoint Collectors of Taxes within or for any such County, Riding, City, Borough, Cinque Port, Town, or Place, or any District within

within the same, shall cease; and it shall be lawful for the Commissioners of Inland Revenue to appoint any Officer or Officers of Inland Revenue to be Collector or Collectors of all or any of the said Taxes in or for any District comprising any Number of Parishes or Places, or Parts of Parishes or Places, either in the same County, City, or Borough, or in several Counties, Cities, or Boroughs, or other Jurisdictions, or in or for any One Parish or Place, or Part of any Parish or Place, as the said Commissioners of Inland Revenue shall deem to be convenient in that Behalf, and such Officers when appointed shall continue and be such Collectors so long as the Commissioners of Inland Revenue shall see fit.

Commissioners of Inland Revenue intend to appoint Officers of Inland Revenue to be Collectors.

4. The Persons so appointed by the Commissioners of Inland Revenue to be such Collectors as aforesaid shall respectively have, use, and exercise, and they are hereby invested with, all such Powers and Authorities, and shall perform all such Duties, for and in the collecting, levying, and enforcing the Payment of the said Taxes respectively, and otherwise in relation thereto, as by the Laws in force at or immediately before the passing of this Act any Collector or Collectors duly appointed by the Commissioners of Taxes could or might use or exercise, or are invested with or required to perform, in relation to any of the said Taxes respectively assessed or charged in or for any Parish or Place for which such last-mentioned Collector or Collectors may have been appointed as last aforesaid; and, moreover, any Warrant of the Commissioners of Inland Revenue directed to any Person or Persons appointed by them to be such Collector or Collectors as aforesaid shall have the like Force and Effect, and confer the like Power and Authority, as any Warrant of the said Commissioners of Taxes directed to any Person or Persons duly appointed by them to be Collector or Collectors of the said Taxes, or any of them, could or might have had if this Act had not been passed; and in the Execution of all such Powers and Authorities as aforesaid the Collectors appointed under this Act shall have and be entitled to the same Assistance and Protection as Collectors appointed by the Commissioners of Taxes are now by Law entitled to; and all Persons wilfully obstructing any Collector appointed under this Act in the due Execution of his Office or Duty shall be subject and liable to the same Penalty as by the Law now in force they would be subject or liable to for wilfully obstructing any Collector appointed by the Commissioners of Taxes.

Collectors appointed by Commissioners of Inland Revenue to have the like Powers, Authorities, and Duties as Collectors appointed by the Commissioners of Taxes.

Warrant of the Commissioners of Inland Revenue to have the same Force and Effect as the Warrant of the Comsioners of Taxes.

5. The Commissioners of Inland Revenue shall appoint in every Market Town, and in such other Places as they shall think fit, an Office for the daily Receipt of Taxes, and shall give such Directions and

Offices to be appointed for the daily Receipt of Taxes in

every Market Town, and at other Places.

and make such Rules and Orders for regulating the Hours of keeping open such Office, and the Attendance thereat, for the Receipt of Taxes, as to the said last-mentioned Commissioners shall seem necessary or proper.

38 G. 3. c. 5. s. 8. 43 G. 3. c. 99. s. 27.

6. And whereas by the Laws in force relating to the Land Tax and the Assessed Taxes respectively, upon the Delivery by the respective Assessors of their Certificates of Assessment to the respective Commissioners, the said Commissioners are directed forthwith to sign and allow the said Assessments, and to deliver Duplicates thereof to the respective Collectors, with Warrants for collecting the same, and also to give Notice of the Times and Places for hearing and determining Appeals against the said Assessments: And whereas it would prevent much Inconvenience, and facilitate the Collection of the said Taxes, if the said Appeals were heard and determined before the making out and Delivery of the said Duplicates for Collection: Be it enacted, That on the Delivery to the said Commissioners of any such Certificate of Assessment, and their Allowance thereof for any Parish or Place the Collector for which shall be appointed by the Commissioners of Inland Revenue under the Provisions of this Act, the said Commissioners of Taxes shall forthwith deliver the said Certificate to the Surveyor of Taxes for the District, together with Notice of the Times and Places at which Appeals against the same may be heard and determined; and all such Appeals shall be heard and determined between the *Twentieth Day of June and the Twentieth Day of August* in each Year; and as soon as reasonably may be after the Hearing and Determination of all such Appeals, and not later than the *Tenth Day of September* in each Year, the said Commissioners shall cause the Duplicates of the said Assessments to be prepared and signed and sealed as the Law in that Behalf directs, and One of such Duplicates to be delivered to the Collector appointed by the Commissioners of Inland Revenue for Collection.

Appeals against Assessments to be heard and determined before Delivery of the Duplicates for Collection.

Surveyor on receiving Certificate of Assessments to give Notice of Particulars to Persons assessed, and also of Time and Place for hearing Appeals.

7. On receiving from the Commissioners of Taxes any Certificate of Assessment with Notice of the Time and Place appointed for hearing Appeals against the same, the Surveyor shall forthwith transmit by the General Post Office a Letter prepaid or stamped, directed to the respective Persons named as assessed in such Certificate, specifying the Particulars of the Assessment upon such Persons respectively, and also the Time and Place when any Appeal against the same may be heard and determined; and the said Surveyor shall also in like Manner send to the Assessor by whom the said Certificate of Assessment shall have been made a Copy of the said Notice of the Time and Place appointed for hearing Appeals against the same; and every such Assessor is hereby required to cause such Notice to be fixed

fixed upon or near to the Door of the Parish Church or Chapel of Ease in like Manner as by the Law now in force the Collector is required to cause the like Notice to be fixed.

Commissioners of Taxes to deliver Duplicates of Assessment to the Collectors appointed by the Commissioners of Inland Revenue.

8. When and so soon as any Assessment of the said respective Taxes shall be allowed by the said Commissioners of Taxes in any District for which the Commissioners of Inland Revenue shall in pursuance of this Act have appointed Collectors as aforesaid, and the Time limited by Law for Appeals against such Assessments shall have expired, they shall sign and seal the Duplicates thereof; and in lieu of delivering One of the Duplicates of such Assessment to Collectors nominated by them, they shall cause the same to be delivered for Collection of the said Taxes to the Person appointed by the Commissioners of Inland Revenue to be the Collector in or for the District, Parish, or Place to which the Assessment shall relate; and every such Duplicate shall be a sufficient Warrant and Authority to the said Collectors respectively for receiving, collecting, levying, distraining for, and enforcing the Payment of the said Taxes, without any other Warrant or Authority whatever.

Collectors to give Notice to the Parties of the Sums charged in his Duplicate, and of the Time and Place of Payment.

9. When any Collector shall receive a Duplicate Assessment of Taxes for Collection he shall forthwith transmit by the General Post Office a Letter, prepaid or stamped, directed to the respective Persons charged by Assessment or liable to the Payment of the Taxes thereby assessed, containing a Notice informing them of the Amount of Duty chargeable upon or payable by them respectively, and specifying the Time or respective Times when the same or any Instalment thereof shall be due and payable by Law, and the Office for Receipt of Taxes at which the same ought to be paid.

Persons refusing to pay the Taxes after Demand made, to be returned in Schedules of Defaulters.

10. If any Person shall refuse or neglect to pay, according to the said Notice to be sent to him by the Collector, any Sum of Money charged upon or payable by such Person under any such Assessment as aforesaid, the Collector shall make Demand thereof, either personally upon such Person, or at his Place of Abode, or on the Premises charged with such Sum of Money; and on Nonpayment of the said Sum on such Demand the Collector may give to such Person, or leave at his Place of Abode, or on the said Premises, a Notice of such Demand, and requiring Payment to be made of the said Sum at the Office for the Receipt of Taxes within a certain Time, not exceeding the Period of *Fourteen Days*, to be specified in the said Notice, and informing such Person that on his Neglect to pay the said Sum within the Time limited by the said Notice he will be returned as a Defaulter for the said Sum to the Court of Exchequer, and liable to have the Process of the said Court issued against him for Recovery of the Arrear: Provided always, that

nothing herein contained shall be construed to prevent or restrain the Collector, on the Refusal or Neglect of any Person to pay on Demand any such Sum as aforesaid, from proceeding forthwith to levy and recover the same in like Manner as any Collector appointed by the Commissioners of Taxes might have done if this Act had not been passed.

Collectors to return Schedules of Defaulters to the Commissioners of Inland Revenue.

11. The several Collectors shall account for and pay over to the Receiver General all Monies which they shall have received or levied for any of the said Taxes, at such Times, and under such Orders, Rules, and Regulations as the Commissioners of Inland Revenue shall from Time to Time make in that Behalf; and the said several Collectors shall also from Time to Time, and as often as the said last-mentioned Commissioners shall direct or require, make out and transmit to the Commissioners of Inland Revenue a Schedule in Writing, signed by such Collectors respectively, containing the Christian and Surnames of the several Persons who shall have made Default in Payment of any Sum or Sums assessed or charged upon or payable by them respectively for any of the said Taxes, and the respective Sums then due and in arrear from each such Defaulter, with an Affidavit or Oath made by the Collector before any Justice of the Peace that the several Sums contained in the said Schedule have been duly demanded in the Manner required by Law, and are due from the respective Persons named in the said Schedule as charged therewith, and remain wholly unpaid, either to such Collector, or, to the best of his Knowledge or Belief, to any other Person on behalf of Her Majesty.

The Schedules certified by the Commissioners to the Court of Exchequer to be the Ground of Process.

12. Every such Schedule, being certified under the Hands of any Two of the Commissioners of Inland Revenue to the Court of Exchequer at Westminster, shall be received and taken as sufficient Evidence of a Debt due to Her Majesty, and shall be a sufficient Authority to the Barons of the said Court, or any One of them, to cause Process to be issued against the several Defaulters named in the said Schedule to levy the Sums in arrear and unpaid by them respectively; and the Officer or other Person to whom the said Process shall be directed shall without Delay cause the said Sums to be levied by due Course of Law as Debts due to Her Majesty on Record, with all Costs and Expenses attending the same, and shall pay the Monies so levied, after deducting the said Costs and Expenses, to the Receiver General of Inland Revenue, and shall make Return of the said Process to the said Court according to the due Course thereof.

Commissioners may retain the

13. Provided always, that it shall be lawful for the Commissioners of Inland Revenue to retain any such Schedule for such Period of Time

Time as they shall think fit, before certifying the same to the Court of Exchequer, and in the meantime to direct the Collector to use all or any the Means or Methods prescribed by Law for collecting or levying the said Arrears; and it shall also be lawful for the said last-mentioned Commissioners, after as well as before the certifying of the said Schedules respectively, at any Time before the actual Payment or Recovery of the said Arrears, to cause the same to be collected and levied in the Manner directed by the Acts relating to the said respective Taxes, and the Sums so levied to be paid to the Receiver General, and to be discharged from the said Schedule; and all Constables and other Peace Officers shall act in obedience to the Directions of the said Commissioners, and shall execute all such Orders and Process as shall be to them or any of them directed for Recovery of the said Arrears.

Schedules, and endeavour to get in the Arrears by other Means than Exchequer Process.

14. If any Collector appointed under the Provisions of this Act shall neglect or refuse duly to account, when and as required by the Commissioners of Inland Revenue, or by any Rules or Regulations of the said Commissioners, for any Sum or Sums of Money given in charge to him to collect or receive, or shall neglect or refuse to pay over to the proper Receiving Officer any Sum or Sums of Money collected or received by such Collector as aforesaid, it shall be lawful for the Commissioners of Inland Revenue and they are hereby empowered to proceed against such Collector and his Estate and Effects in the Manner provided by the Third and Fourth Sections of the Act passed in the Third Year of the Reign of King George the Fourth, Chapter Eighty-eight; and all the Powers and Provisions of the said Sections shall be deemed to apply to Collectors appointed by the Commissioners of Inland Revenue, and to the said Commissioners, in like Manner as if such Powers and Provisions were repeated and re-enacted, mutatis mutandis, in the Body of this Act.

Commissioners of Inland Revenue may proceed against defaulting Collectors, as provided by 3 G. 4. c. 88. ss. 3, 4.

15. No Parish or Place shall be answerable for the Acts, Neglects, or Defaults of any Collector of the said respective Taxes who shall be appointed by the Commissioners of Inland Revenue in pursuance of this Act, nor shall any Parish or Place be liable to be assessed for any Arrear or Deficiency of the said Taxes respectively arising from the Default or Failure of any such Collector.

Parish not to be answerable for Defaults of Collectors.

16. So much of any Act or Acts as directs that the Collectors of the said respective Taxes shall have or receive any Rate of Poundage or any Share or Proportion of any Rate of Poundage or other Remuneration for what Money they shall respectively pay to the Receiver General or other Officer of Receipt shall, as to the Collectors of the said respective Taxes to be appointed by the Commissioners of

Poundage to Collectors appointed under this Act repealed.

Inland Revenue under the Provisions of this Act, be and the same is hereby repealed: Provided always, that in lieu of the Rate of *Threepence* in the Pound now granted or allowed by Law to the several Assessors and Collectors of Income Tax, and directed to be divided between them in equal Proportion, the said several Assessors shall have and receive *One Moiety* of the said Allowance for their own Use and Benefit.

Assessors of Land and Assessed Taxes how to be remunerated for their Services.

17. The Assessors of the Land Tax and Assessed Taxes in every Parish or Place in or for which the Collector of the said respective Taxes shall be appointed by the Commissioners of Inland Revenue under the Provisions of this Act, for duly, speedily, and effectually executing all Matters and Things directed or required by Law to be performed by such Assessors, and for the careful making, writing, and transcribing of their Certificates of Assesment of the said Taxes respectively, shall by Warrant of the Commissioners of Inland Revenue have and receive from the Receiver General, for every Line of Assessment contained in their respective Certificates, that is to say, for every Line specifying the Christian and Surname of the Person assessed, and such other Particulars of or relating to the Assessment as are usually required to be set forth in One Line of the said Certificates, the Sum of *Three Halfpence*.

Forms of Proceedings contained in 9 & 10 Vict. c. 56. may be used under this Act.

18. The several Forms of Proceedings contained in the Schedule to the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Fifty-six, may, so far as the same may be required, be used for the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners of Inland Revenue to make such Alterations in the said Forms as they may deem to be necessary or proper to adapt the same to be so used as aforesaid, and every such Form so altered shall be deemed to be good and sufficient.

Not to extend to Scotland or Ireland.

19. Nothing in this Act contained shall extend to Scotland or Ireland.

Collection of Taxes.

A

BILL

To alter and amend the Laws relating to the Collection of the Land Tax, Assessed Taxes, and Income Tax.

(*Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1864.

[Bill 7.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Alter and amend the Laws relating to the Collection of the Land Tax, Assessed Taxes, and Income Tax.

Preamble.

WHEREAS, under and by virtue of the several Acts in force relating to the Land Tax, the Assessed Taxes, and the Income Tax, the Commissioners acting in the Execution of the said Acts respectively in their respective Districts are authorized and required to appoint Persons to be Collectors of the said Taxes respectively, and it is expedient that in lieu of Collectors appointed by the said Commissioners as aforesaid the Commissioners of Inland Revenue should be authorized to employ the Officers of Inland Revenue in the Collection of the said Taxes in the Cases and under the Circumstances herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation Clause: "Commissioners of

1. The Expression "the Commissioners of Taxes" and the Term "Board" used in this Act shall respectively mean the Commissioners acting at a Meeting in their respective Districts in the Execution of

Taxes;" "Board." the several Acts relating to the Land Tax, the Assessed Taxes, and the Income Tax respectively.

Commissioners of Inland Revenue to give Notice to Commissioners of Land Tax of Intention to appoint Officers of Inland Revenue to be Collectors of Taxes, unless the Boards of Commissioners of Land Tax respectively express their Dissent.

2. Whenever it shall appear to the Commissioners of Inland Revenue to be expedient and proper that in any County, Riding, City, Borough, Cinque Port, Town, or Place for which separate Commissioners of Land Tax have been appointed with exclusive Jurisdiction, the aforesaid respective Taxes should be collected by Officers of Inland Revenue in lieu of Collectors appointed by the Commissioners of Taxes, the said Commissioners of Inland Revenue shall, by a Letter to the respective Clerks of the several Boards of Commissioners of Land Tax within or for such County, Riding, City, Borough, Cinque Port, Town, or Place, announce the Intention of the said Commissioners of Inland Revenue to appoint such Officers to be Collectors of the said Taxes within the Districts of such Boards respectively, and thereupon the said respective Clerks shall forthwith give Notice to the several Commissioners of their respective Boards of the Receipt of such Letter, and shall convene a Meeting of the said Commissioners for the Purpose of taking the said Letter into consideration; and if within the Space of Six Weeks from the Date of the said Letter such Meeting shall be held, and it shall be resolved by a Majority of the Commissioners then present that it is not expedient that the said respective Taxes should be collected by Officers of Inland Revenue in lieu of Collectors appointed by the Commissioners of Taxes, a Copy of such Resolution, signed by the Chairman of the said Meeting, shall be transmitted to the Commissioners of Inland Revenue within One Week after the Expiration of the said Six Weeks; and if such Resolution shall not be passed, and signed, and transmitted, within the Time and in the Manner aforesaid, by One Third at the least in Number of the said respective Boards, then it shall be lawful for the Commissioners of Inland Revenue, at such Time or Times as they shall deem to be proper and convenient, and from Time to Time thereafter, to appoint such Officer or Officers of Inland Revenue as they shall think fit to be a Collector or Collectors of all or any of the said Taxes in and throughout the whole of such County, Riding, City, Borough, Cinque Port, Town, or Place, and every District within the same.

Commissioners of Inland Revenue, when authorized to appoint Collectors, to give Notice to Commis-

3. In any Case in which the Commissioners of Inland Revenue are authorized in manner aforesaid to put in execution the Provisions of this Act in any County, Riding, City, Borough, Cinque Port, Town, or Place, they shall give Notice of their Intention so to do to the Commissioners of Taxes by a Letter to their respective Clerks; and from and after the Time mentioned in such Letter as that at which the Commissioners of Inland Revenue intend to put in execution the Provisions

Provisions aforesaid, the Power and Authority of the Commissioners of Taxes to appoint Collectors of Taxes within or for any such County, Riding, City, Borough, Cinque Port, Town, or Place, or any District within the same, shall cease; and it shall be lawful for the Commissioners of Inland Revenue to appoint any Officer or Officers of Inland Revenue to be Collector or Collectors of all or any of the said Taxes in or for any District comprising any Number of Parishes or Places, or Parts of Parishes or Places, either in the same County, City, or Borough, or in several Counties, Cities, or Boroughs, or other Jurisdictions, or in or for any One Parish or Place, or Part of any Parish or Place, as the said Commissioners of Inland Revenue shall deem to be convenient in that Behalf, and such Officers when appointed shall continue and be such Collectors so long as the Commissioners of Inland Revenue shall see fit: Provided always, that it shall be lawful for the Commissioners of Inland Revenue, if they shall think fit, to appoint any Person to be such Collector as aforesaid who at the Time when the said Commissioners shall give such Notice as aforesaid shall be a Collector of the said Taxes, or any of them, for any Parish or Place within any District to which the said Notice shall relate.

sioners of Taxes of the Time when they intend to appoint such Collectors, and may appoint Persons who for the Time being are Collectors.

4. The Persons so appointed by the Commissioners of Inland Revenue to be such Collectors as aforesaid shall respectively have, use, and exercise, and they are hereby invested with, all such Powers and Authorities, and shall perform all such Duties, for and in the collecting, levying, and enforcing the Payment of the said Taxes respectively, and otherwise in relation thereto, as by the Laws in force at or immediately before the passing of this Act any Collector or Collectors duly appointed by the Commissioners of Taxes could or might use or exercise, or are invested with or required to perform, in relation to any of the said Taxes respectively assessed or charged in or for any Parish or Place for which such last-mentioned Collector or Collectors may have been appointed as last aforesaid; and, moreover, any Warrant of the Commissioners of Inland Revenue directed to any Person or Persons appointed by them to be such Collector or Collectors as aforesaid shall have the like Force and Effect, and confer the like Power and Authority, as any Warrant of the said Commissioners of Taxes directed to any Person or Persons duly appointed by them to be Collector or Collectors of the said Taxes, or any of them, could or might have had if this Act had not been passed; and in the Execution of all such Powers and Authorities as aforesaid the Collectors appointed under this Act shall have and be entitled to the same Assistance and Protection as Collectors appointed by the Commissioners of Taxes are now by Law entitled to; and all Persons wilfully obstructing any Collector appointed under this Act in the due Execution

Collectors appointed by Commissioners of Inland Revenue to have the like Powers, Authorities, and Duties as Collectors appointed by the Commissioners of Taxes.

Warrant of the Commissioners of Inland Revenue to have the same Force and Effect as the Warrant of the Commissioners of Taxes.

cution of his Office or Duty shall be subject and liable to the same Penalty as by the Law now in force they would be subject or liable to for wilfully obstructing any Collector appointed by the Commissioners of Taxes.

Offices to be appointed for the daily Receipt of Taxes in every Market Town, and at other Places.

5. The Commissioners of Inland Revenue shall appoint in every Market Town, and in such other Places as they shall think fit, an Office for the daily Receipt of Taxes, and shall give such Directions and make such Rules and Orders for regulating the Hours of keeping open such Office, and the Attendance thereat, for the Receipt of Taxes, as to the said last-mentioned Commissioners shall seem necessary or proper.

38 G. 3. c. 5. s. 8. 43 G. 3. c. 99. s. 27.

6. And whereas by the Laws in force relating to the Land Tax and the Assessed Taxes respectively, upon the Delivery by the respective Assessors of their Certificates of Assessment to the respective Commissioners, the said Commissioners are directed forthwith to sign and allow the said Assessments, and to deliver Duplicates thereof to the respective Collectors, with Warrants for collecting the same, and also to give Notice of the Times and Places for hearing and determining Appeals against the said Assessments: And whereas it would prevent much Inconvenience, and facilitate the Collection of the said Taxes, if the said Appeals were heard and determined before the making out and Delivery of the said Duplicates for Collection: Be it enacted, That on the Delivery to the said Commissioners of any such Certificate of Assessment, and their Allowance thereof for any Parish or Place the Collector for which shall be appointed by the Commissioners of Inland Revenue under the Provisions of this Act, the said Commissioners of Taxes shall forthwith deliver the said Certificate to the Surveyor of Taxes for the District; and as soon as reasonably may be after the Hearing and Determination of all such Appeals, and not later than the Twentieth Day of September in each Year, the said Commissioners shall cause the Duplicates of the said Assessments to be prepared and signed and sealed as the Law in that Behalf directs, and One of such Duplicates to be delivered to the Collector appointed by the Commissioners of Inland Revenue for Collection.

Appeals against Assessments of Land or Assessed Taxes to be heard and determined before Delivery of the Duplicates for Collection.

Surveyor on receiving Certificate of Assessments of Land or Assessed Taxes to give Notice of Particulars to Persons assessed, and

7. On receiving from the Commissioners of Taxes any Certificate of Assessment of the said last-mentioned Taxes respectively, the Surveyor shall forthwith transmit by the General Post Office a Letter prepaid or stamped, directed to the respective Persons named as assessed in such Certificate, specifying the Particulars of the Assessment upon such Persons respectively, and informing them that upon their notifying in Writing to him, within Fourteen Days after the Date of the Surveyor's said Letter, any Objection which they may have against

against the said Assessment, or any Part thereof, they will be informed of the Time and Place when their Appeal against the same may be heard and determined; and immediately after the Time limited for notifying such Objections the Surveyor shall transmit to the respective Clerks to Commissioners a List of all Persons who have signified in manner aforesaid their Desire to appeal against any such Assessment; and thereupon the said Commissioners shall appoint the Time and Place for hearing and determining the said Appeals, and inform the Surveyor thereof, who shall forthwith transmit, by Post, prepaid, a Notice of the Time and Place so appointed to the several intending Appellants.

also of Time and Place for hearing Appeals.

8. When and so soon as any Assessment of the said respective Taxes, of Land Tax, Assessed Taxes, and Income Tax, shall be allowed by the said Commissioners of Taxes in any District for which the Commissioners of Inland Revenue shall in pursuance of this Act have appointed Collectors as aforesaid, and the Time limited by Law for Appeals against such Assessments shall have expired, they shall sign and seal the Duplicates thereof; and in lieu of delivering One of the Duplicates of such Assessment to Collectors nominated by them, they shall cause the same to be delivered for Collection of the said Taxes to the Person appointed by the Commissioners of Inland Revenue to be the Collector in or for the District, Parish, or Place to which the Assessment shall relate; and every such Duplicate shall be a sufficient Warrant and Authority to the said Collectors respectively for receiving, collecting, levying, distraining for, and enforcing the Payment of the said Taxes, without any other Warrant or Authority whatever.

Commissioners of Taxes to deliver Duplicates of Assessment to the Collectors appointed by the Commissioners of Inland Revenue.

9. When any Collector shall receive a Duplicate Assessment of Taxes for Collection he shall forthwith transmit by the General Post Office a Letter, prepaid or stamped, directed to the respective Persons charged by Assessment or liable to the Payment of the Taxes thereby assessed, containing a Notice informing them of the Amount of Duty chargeable upon or payable by them respectively, and specifying the Time or respective Times when the same or any Instalment thereof shall be due and payable by Law, and the Day on which the Period for the Receipt of the same will close, and also the Office for Receipt of Taxes at which the same ought to be paid; and the said Collector shall also in like Manner send a similar Notice with respect to any further Instalment which shall thereafter be required to be paid; and it shall be lawful for any Person, before the Day so specified for the Close of the said Receipt, or within Twenty-one Days after receiving such Notice, in lieu of paying any such Instalment at the said Office for Receipt of Taxes, to produce

Collectors to give Notice to the Parties of the Sums charged in his Duplicate, and of the Time and Place of Payment.

such Notice at any Money Order Office of the General Post Office, and pay to the Postmaster there the Instalment or Instalments payable according to such Notice, and thereupon the said Postmaster shall deliver to him a Post Office Order payable at the General Post Office in London to the Receiver General of Inland Revenue for the Amount of such Instalment or Instalments, less the Commission for such Order, which Order such Person shall forthwith transmit to the Collector at the said Office for Receipt in a Letter, prepaid or stamped specifying the Particulars of the Payment in such Form as shall be provided by the Commissioners of Inland Revenue for that Purpose, and delivered to the said Person along with the said Order; and upon the Receipt of the said Order and Letter, with the particulars and in the Form aforesaid, the Collector shall credit the Person named in the said Letter with the Amount specified in the said Order, and with the said Commission, in like Manner as if the same had been paid to the Collector in Cash.

Persons refusing to pay the Taxes after Demand made to be returned in Schedules of Defaulters.

10. If any Person shall refuse or neglect to pay, according to the said Notice to be sent to him by the Collector, or in the Manner and Form and within the Time directed and limited by the preceding Clause, any Sum of Money charged upon or payable by such Person under any such Assessment as aforesaid, the Collector shall cause another Notice to be delivered or sent to such Person requiring Payment thereof to be made at the Office for the Receipt of Taxes within the Period of Fourteen Days from the Date of the said last-mentioned Notice, and informing such Person that on his Neglect to pay the said Sum within the Time so limited he will be returned as a Defaulter for the same to the Court of Exchequer, and liable to have the Process of the said Court issued against him for Recovery of the Arrear: Provided always, that nothing herein contained shall be construed to prevent or restrain the Collector, on the Refusal or Neglect of any Person to pay any such Sum as aforesaid, from proceeding forthwith to levy and recover the same in like Manner as any Collector appointed by the Commissioners of Taxes might have done if this Act had not been passed.

Collectors to return Schedules of Defaulters to the Commissioners of Inland Revenue.

11. The several Collectors shall account for and pay over to the Receiver General all Monies which they shall have received or levied for any of the said Taxes at such Times, and under such Orders, Rules, and Regulations, as the Commissioners of Inland Revenue shall from Time to Time make in that Behalf; and the said several Collectors shall also from Time to Time, and as often as the said last-mentioned Commissioners shall direct or require, make out and transmit to the Commissioners of Inland Revenue a Schedule in Writing, signed by such Collectors respectively, containing the Christian and Surnames

Surnames of the several Persons who shall have made Default in Payment of any Sum or Sums assessed or charged upon or payable by them respectively for any of the said Taxes, and the respective Sums then due and in arrear from each such Defaulter, with an Affidavit made by the Collector before any Justice of the Peace that the said several Persons contained in the said Schedule have had due Notice in the Manner required by Law of the said several Sums so assessed or charged upon or payable by them respectively, and have made Default in Payment thereof, and that the same are due from the respective Persons named in the said Schedule as charged therewith, and remain wholly unpaid, either to such Collector, or, to the best of his Knowledge or Belief, to any other Person on behalf of Her Majesty.

The Schedules certified by the Commissioners to the Court of Exchequer to be the Ground of Process.

12. Every such Schedule, being certified under the Hands of any Two of the Commissioners of Inland Revenue to the Court of Exchequer at Westminster, shall be received and taken as sufficient Evidence of a Debt due to Her Majesty, and shall be a sufficient Authority to the Barons of the said Court, or any One of them, to cause Process to be issued against the several Defaulters named in the said Schedule to levy the Sums in arrear and unpaid by them respectively; and the Officer or other Person to whom the said Process shall be directed shall without Delay cause the said Sums to be levied by due Course of Law as Debts due to Her Majesty on Record, with all Costs and Expenses attending the same, and shall pay the Monies so levied, after deducting the said Costs and Expenses, to the Receiver General of Inland Revenue, and shall make Return of the said Process to the said Court according to the due Course thereof.

Commissioners may retain the Schedules, and endeavour to get in the Arrears by other Means than Exchequer Process.

13. Provided always, that it shall be lawful for the Commissioners of Inland Revenue to retain any such Schedule for such Period of Time as they shall think fit, before certifying the same to the Court of Exchequer, and in the meantime to direct the Collector to use all or any the Means or Methods prescribed by Law for collecting or levying the said Arrears; and it shall also be lawful for the said last-mentioned Commissioners, after as well as before the certifying of the said Schedules respectively, at any Time before the actual Payment or Recovery of the said Arrears, to cause the same to be collected and levied in the Manner directed by the Acts relating to the said respective Taxes, and the Sums so levied to be paid to the Receiver General, and to be discharged from the said Schedule; and all Constables and other Peace Officers shall act in obedience to the Directions of the said Commissioners, and shall execute all such Orders and Process as shall be to them or any of them directed for Recovery of the said Arrears.

Commissioners of Inland Revenue may proceed against defaulting Collectors, as provided by 3 G. 4 c. 88. ss. 3, 4.

14. If any Collector appointed under the Provisions of this Act shall neglect or refuse duly to account, when and as required by the Commissioners of Inland Revenue, or by any Rules or Regulations of the said Commissioners, for any Sum or Sums of Money given in charge to him to collect or receive, or shall neglect or refuse to pay over to the proper Receiving Officer any Sum or Sums of Money collected or received by such Collector as aforesaid, it shall be lawful for the Commissioners of Inland Revenue and they are hereby empowered to proceed against such Collector and his Estate and Effects in the Manner provided by the Third and Fourth Sections of the Act passed in the Third Year of the Reign of King George the Fourth, Chapter Eighty-eight; and all the Powers and Provisions of the said Sections shall be deemed to apply to Collectors appointed by the Commissioners of Inland Revenue, and to the said Commissioners, in like Manner as if such Powers and Provisions were repeated and re-enacted, mutatis mutandis, in the Body of this Act.

Parish not to be answerable for Defaults of Collectors.

15. No Parish or Place shall be answerable for the Acts, Neglects, or Defaults of any Collector of the said respective Taxes who shall be appointed by the Commissioners of Inland Revenue in pursuance of this Act, nor shall any Parish or Place be liable to be assessed for any Arrear or Deficiency of the said Taxes respectively arising from the Default or Failure of any such Collector.

Poundage to Collectors appointed under this Act repealed.

16. So much of any Act or Acts as directs that the Collectors of the said respective Taxes shall have or receive any Rate of Poundage or any Share or Proportion of any Rate of Poundage or other Remuneration for what Money they shall respectively pay to the Receiver General or other Officer of Receipt shall, as to the Collectors of the said respective Taxes to be appointed by the Commissioners of Inland Revenue under the Provisions of this Act, be and the same is hereby repealed: Provided always, that in lieu of the Rate of Threepence in the Pound now granted or allowed by Law to the several Assessors and Collectors of Income Tax, and directed to be divided between them in equal Proportion, the said several Assessors shall have and receive One Moiety of the said Allowance for their own Use and Benefit.

Assessors of Land and Assessed Taxes how to be remunerated for their Services.

17. The Assessors of the Land Tax and Assessed Taxes in every Parish or Place in or for which the Collector of the said respective Taxes shall be appointed by the Commissioners of Inland Revenue under the Provisions of this Act, for duly, speedily, and effectually executing all Matters and Things directed or required by Law to be performed by such Assessors, and for the careful making, writing, and transcribing of their Certificates of Assessment of the said Taxes, respectively,

respectively, shall have and receive for every Line of Assessment contained in their respective Certificates, that is to say, for every Line specifying the Christian and Surname of the Person assessed, and such other Particulars of or relating to the Assessment as are usually required to be set forth in One Line of the said Certificates, the Sum of Three Halfpence.

Forms of Proceedings contained in 9 & 10 Vict. c. 56. may be used under this Act.

18. The several Forms of Proceedings contained in the Schedule to the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Fifty-six, may, so far as the same may be required, be used for the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners of Inland Revenue to make such Alterations in the said Forms as they may deem to be necessary or proper, and every such Form so altered shall be deemed to be good and sufficient.

CLAUSE A.

Treasury may award Compensation to Collectors whose Services are discontinued by the Operation of this Act.

19. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury to award such Compensation as they may deem just and reasonable to any Collector of Taxes whose Services are discontinued by reason of the Provisions of this Act being put in operation in the District in which he shall be such Collector, and who shall have held the said Office of Collector for not less than Five Years continuously before and up to the Fifth Day of April One thousand eight hundred and sixty-five, and whose Emoluments on an Average of the said Five Years shall have amounted annually to Sixty Pounds at least.

Not to extend to Scotland or Ireland.

20. Nothing in this Act contained shall extend to Scotland or Ireland.

Collection of Taxes.

A

B I L L

[AS AMENDED IN COMMITTEE]

To alter and amend the Laws relating to the Collection of the Land Tax, Assessed Taxes, and Income Tax.

(*Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 18 *March* 1864.

[Bill 57.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Alter and amend the Laws relating to the Collection of the Land Tax, Assessed Taxes, and Income Tax.

WHEREAS, under and by virtue of the several Acts in force relating to the Land Tax, the Assessed Taxes, and the Income Tax, the Commissioners acting in the Execution of the said Acts respectively in their respective Districts are authorized and required to appoint Persons to be Collectors of the said Taxes respectively, and it is expedient that in lieu of Collectors appointed by the said Commissioners as aforesaid the Commissioners of Inland Revenue should be authorized to employ the Officers of Inland Revenue in the Collection of the said Taxes in the Cases and under the Circumstances herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. The Expression "the Commissioners of Taxes" and the Term "Board" used in this Act shall respectively mean the Commissioners acting at a Meeting in their respective Districts in the Execution of the Interpretation Clause: "Commissioners of

Taxes;" "Board." the several Acts relating to the Land Tax, the Assessed Taxes, and the Income Tax respectively.

Commissioners of Inland Revenue to give Notice to Commissioners of Land Tax of Intention to appoint Officers of Inland Revenue to be Collectors of Taxes, unless the Boards of Commissioners of Land Tax respectively express their Dissent.

2. Whenever it shall appear to the Commissioners of Inland Revenue to be expedient and proper that in any County, Riding, City, Borough, Cinque Port, Town, or Place for which separate Commissioners of Land Tax have been appointed with exclusive Jurisdiction, the aforesaid respective Taxes should be collected by Officers of Inland Revenue in lieu of Collectors appointed by the Commissioners of Taxes, the said Commissioners of Inland Revenue shall, by a Letter to the respective Clerks of the several Boards of Commissioners of Land Tax within or for such County, Riding, City, Borough, Cinque Port, Town, or Place, announce the Intention of the said Commissioners of Inland Revenue to appoint such Officers to be Collectors of the said Taxes within the Districts of such Boards respectively, and thereupon the said respective Clerks shall forthwith give Notice to the several Commissioners of their respective Boards of the Receipt of such Letter, and shall convene a Meeting of the said Commissioners for the Purpose of taking the said Letter into consideration; and if within the Space of Six Weeks from the Date of the said Letter such Meeting shall be held, and it shall be resolved by a Majority of the Commissioners then present that it is not expedient that the said respective Taxes should be collected by Officers of Inland Revenue in lieu of Collectors appointed by the Commissioners of Taxes, a Copy of such Resolution, signed by the Chairman of the said Meeting, shall be transmitted to the Commissioners of Inland Revenue within One Week after the Expiration of the said Six Weeks; and if such Resolution shall not be passed, and signed, and transmitted, within the Time and in the Manner aforesaid, by One Third at the least in Number of the said respective Boards, then it shall be lawful for the Commissioners of Inland Revenue, at such Time or Times as they shall deem to be proper and convenient, and from Time to Time thereafter, to appoint such Officer or Officers of Inland Revenue as they shall think fit to be a Collector or Collectors of all or any of the said Taxes in and throughout the whole of such County, Riding, City, Borough, Cinque Port, Town, or Place, and every District within the same: Provided always, that nothing in this Act contained shall be deemed to extend or apply to the Circuit of Receipt called "The London Receipt," as settled under the Authority of the Third Section of the Act passed in the First and Second Years of the Reign of King William the Fourth, Chapter Eighteen, and the Sixth Section of the Act passed in the Fifth and Sixth Years of the Reign of the same King, Chapter Twenty.

Act not to apply to the Circuit of the London Receipt.

3. In

Commissioners of Inland Revenue, when authorized to appoint Collectors, to give Notice to Commissioners of Taxes of the Time when they intend to appoint such Collectors, and may appoint Persons who for the Time being are Collectors.

3. In any Case in which the Commissioners of Inland Revenue are authorized in manner aforesaid to put in execution the Provisions of this Act in any County, Riding, City, Borough, Cinque Port, Town, or Place, they shall give Notice of their Intention so to do to the Commissioners of Taxes by a Letter to their respective Clerks; and from and after the Time mentioned in such Letter as that at which the Commissioners of Inland Revenue intend to put in execution the Provisions aforesaid, the Power and Authority of the Commissioners of Taxes to appoint Collectors of Taxes within or for any such County, Riding, City, Borough, Cinque Port, Town, or Place, or any District within the same, shall cease; and it shall be lawful for the Commissioners of Inland Revenue to appoint any Officer or Officers of Inland Revenue to be Collector or Collectors of all or any of the said Taxes in or for any District comprising any Number of Parishes or Places, or Parts of Parishes or Places, either in the same County, City, or Borough, or in several Counties, Cities, or Boroughs, or other Jurisdictions, or in or for any One Parish or Place, or Part of any Parish or Place, as the said Commissioners of Inland Revenue shall deem to be convenient in that Behalf, and such Officers when appointed shall continue and be such Collectors so long as the Commissioners of Inland Revenue shall see fit: Provided always, that it shall be lawful for the Commissioners of Inland Revenue, if they shall think fit, to appoint any Person to be such Collector as aforesaid who at the Time when the said Commissioners shall give such Notice as aforesaid shall be a Collector of the said Taxes, or any of them, for any Parish or Place within any District to which the said Notice shall relate.

Collectors appointed by Commissioners of Inland Revenue to have the like Powers, Authorities, and Duties as Collectors appointed by the Commissioners of Taxes.

Warrant of the Commissioners of Inland Revenue to have the same Force

4. The Persons so appointed by the Commissioners of Inland Revenue to be such Collectors as aforesaid shall respectively have, use, and exercise, and they are hereby invested with, all such Powers and Authorities, and shall perform all such Duties, for and in the collecting, levying, and enforcing the Payment of the said Taxes respectively, and otherwise in relation thereto, as by the Laws in force at or immediately before the passing of this Act any Collector or Collectors duly appointed by the Commissioners of Taxes could or might use or exercise, or are invested with or required to perform, in relation to any of the said Taxes respectively assessed or charged in or for any Parish or Place for which such last-mentioned Collector or Collectors may have been appointed as last aforesaid; and, moreover, any Warrant of the Commissioners of Inland Revenue directed to any Person or Persons appointed by them to be such Collector or Collectors as aforesaid shall have the like Force and Effect, and confer the like Power and Authority, as any Warrant of the said Commissioners of Taxes directed to any Person or Persons duly appoint

and Effect as the Warrant of the Commissioners of Taxes.

appointed by them to be Collector or Collectors of the said Taxes, or any of them, could or might have had if this Act had not been passed; and in the Execution of all such Powers and Authorities as aforesaid the Collectors appointed under this Act shall have and be entitled to the same Assistance and Protection as Collectors appointed by the Commissioners of Taxes are now by Law entitled to; and all Persons wilfully obstructing any Collector appointed under this Act in the due Execution of his Office or Duty shall be subject and liable to the same Penalty as by the Law now in force they would be subject or liable to for wilfully obstructing any Collector appointed by the Commissioners of Taxes.

Offices to be appointed for the daily Receipt of Taxes in every Market Town, and at other Places.

5. The Commissioners of Inland Revenue shall appoint in every Market Town, and in such other Places as they shall think fit, an Office for the daily Receipt of Taxes, and shall give such Directions and make such Rules and Orders for regulating the Hours of keeping open such Office, and the Attendance thereat, for the Receipt of Taxes, as to the said last-mentioned Commissioners shall seem necessary or proper.

38 G. 3. c. 5. s. 8. 43 G. 3. c. 99. s. 27.

6. And whereas by the Laws in force relating to the Land Tax and the Assessed Taxes respectively, upon the Delivery by the respective Assessors of their Certificates of Assessment to the respective Commissioners, the said Commissioners are directed forthwith to sign and allow the said Assessments, and to deliver Duplicates thereof to the respective Collectors, with Warrants for collecting the same, and also to give Notice of the Times and Places for hearing and determining Appeals against the said Assessments: And whereas it would prevent much Inconvenience, and facilitate the Collection of the said Taxes, if the said Appeals were heard and determined before the making out and Delivery of the said Duplicates for Collection: Be it

Appeals against Assessments of Land or Assessed Taxes to be heard and determined before Delivery of the Duplicates for Collection.

enacted, That on the Delivery to the said Commissioners of any such Certificate of Assessment, and their Allowance thereof for any Parish or Place the Collector for which shall be appointed by the Commissioners of Inland Revenue under the Provisions of this Act, the said Commissioners of Taxes shall forthwith deliver the said Certificate to the Surveyor of Taxes for the District; and as soon as reasonably may be after the Hearing and Determination of all such Appeals, and not later than the Twentieth Day of September in each Year, the said Commissioners shall cause the Duplicates of the said Assessments to be prepared and signed and sealed as the Law in that Behalf directs, and One of such Duplicates to be delivered to the Collector appointed by the Commissioners of Inland Revenue for Collection:

Not to repeal 7 & 8 Vict. c. 46. s. 5.

Provided always, that nothing in this Act contained shall be deemed or construed to repeal, alter, or affect the Provisions of the Fifth

Fifth Section of the Act passed in the Seventh and Eighth Years of Her Majesty's Reign, Chapter Forty-six, legalising the Acts of the said Commissioners, although not performed within the Time appointed or limited by the Statutes in that Behalf.

On Certificate of Assessments of Land or Assessed Taxes being allowed, Clerks to give Notice of Particulars to Persons assessed.

7. On the Allowance by the Commissioners of Taxes of any Certificate of Assessment of the said last-mentioned Taxes respectively, then, in every Case in which any Person shall be thereby assessed or charged for any Article, Matter, or Thing not contained in a List returned by him, or assessed or charged in respect of any House or Land on a greater Amount or Value than he shall have been assessed or charged upon for the previous Year in respect of the same Premises, the Clerk of the said Commissioners shall forthwith deliver or send, or cause to be delivered or sent, a Notice to all such Persons respectively, specifying the Particulars of the Assessment upon them, and informing them that upon their notifying in Writing to him within Fourteen Days after the Date of the said Notice any Objection which they may have against the said Assessment or any Part thereof they will be informed of the Time and Place when their Appeal against the same may be heard and determined; and as soon as conveniently may be after the Time limited for notifying such Objections the said Commissioners shall appoint the Time and Place for hearing and determining the said Appeals, and the respective Clerks of the said Commissioners shall inform the Surveyor thereof, and transmit to him a List of all Persons who have signified in manner aforesaid their Desire to appeal against any such Assesment; and thereupon the Surveyor shall forthwith transmit by Post, prepaid by being duly stamped with the proper Postage Stamp or Stamps, a Notice of the Time and Place so appointed, to the several intending Appellants.

Notice of Time and Place for hearing Appeals to be given by Surveyor.

Remuneration to Clerks of Commissioners for sending out Notices.

8. Every such Notice required to be given by the said respective Clerks of Commissioners to the several Persons assessed or charged as in the preceding Clause is mentioned shall be delivered or sent free of all Charge or Expense to them respectively; and in consideration of the due Performance of this Service the said Clerks of Commissioners shall be paid One Penny for every such Notice.

Commissioners of Taxes to deliver Duplicates of Assessment to the Collectors appointed

9. When and so soon as any Assessment of the said respective Taxes, of Land Tax, Assessed Taxes, and Income Tax, shall be allowed by the said Commissioners of Taxes in any District for which the Commissioners of Inland Revenue shall in pursuance of this Act have appointed Collectors as aforesaid, and the Time limited by Law for Appeals against such Assessments shall have expired,

by the Commissioners of Inland Revenue.

expired, they shall sign and seal the Duplicates thereof; and in lieu of delivering One of the Duplicates of such Assessment to Collectors nominated by them, they shall cause the same to be delivered for Collection of the said Taxes to the Person appointed by the Commissioners of Inland Revenue to be the Collector in or for the District, Parish, or Place to which the Assessment shall relate; and every such Duplicate shall be a sufficient Warrant and Authority to the said Collectors respectively for receiving, collecting, levying, distraining for, and enforcing the Payment of the said Taxes, without any other Warrant or Authority whatever.

Collector to give Notice to the Parties of the Sums charged in his Duplicate, and of the Time and Place of Payment.

10. When any Collector shall receive a Duplicate Assessment of Taxes for Collection he shall forthwith transmit by the General Post Office a Letter, prepaid by being duly stamped with the proper Postage Stamp or Stamps, directed to the respective Persons charged by Assessment or liable to the Payment of the Taxes thereby assessed, containing a Notice informing them of the Amount of Duty chargeable upon or payable by them respectively, and specifying the Time or respective Times when the same or any Instalment thereof shall be due and payable by Law, and the Day on which the Period for the Receipt of the same will close, and also the Office for Receipt of Taxes at which the same ought to be paid; and the said Collector shall also in like Manner send a similar Notice with respect to any further Instalment which shall thereafter be required to be paid; and it shall be lawful for any Person, before the Day so specified for the Close of the said Receipt, or within Twenty-one Days after receiving such Notice, in lieu of paying any such Instalment at the said Office for Receipt of Taxes, to produce such Notice at any Money Order Office of the General Post Office, and pay to the Postmaster there the Instalment or Instalments payable according to such Notice, and thereupon the said Postmaster shall deliver to him a Post Office Order payable at the General Post Office in London to the Receiver General of Inland Revenue for the Amount of such Instalment or Instalments, less the Commission for such Order, which Order such Person shall forthwith transmit to the Collector at the said Office for Receipt in a Letter, prepaid by being duly stamped with the proper Postage Stamp or Stamps, specifying the Particulars of the Payment in such Form as shall be provided by the Commissioners of Inland Revenue for that Purpose, and delivered to the said Person along with the said Order; and upon the Receipt of the said Order and Letter, with the Particulars and in the Form aforesaid, the Collector shall credit the Person named in the said Letter with the Amount specified in the said Order, and with the said Commission, in like Manner as if the same had been paid to the Collector in Cash.

11. Provided

Postage Stamps may be received in Payment of Taxes.

11. Provided always, That it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, if they shall see fit, and under such Regulations, Conditions, and Limitations as they shall think proper, to authorize and direct the Commissioners of Inland Revenue and their Officers to receive Postage Stamps as and for Payment of the said respective Taxes or any of them; and, under such Regulations as aforesaid, such Postage Stamps shall be delivered over to the Postmaster General or his Officers, and the Amount or Value thereof be paid out of the Revenue of the Post Office to the Inland Revenue, and accounted for as Monies arising from the said Taxes.

Persons refusing to pay the Taxes after Demand made to be returned in Schedules of Defaulters.

12. If any Person shall refuse or neglect to pay, according to the said Notice to be sent to him by the Collector, or in the Manner and Form and within the Time directed and limited by the preceding Clause, any Sum of Money charged upon or payable by such Person under any such Assessment as aforesaid, the Collector shall cause another Notice to be delivered or sent to such Person requiring Payment thereof to be made at the Office for the Receipt of Taxes within the Period of Fourteen Days from the Date of the said last-mentioned Notice, and informing such Person that on his Neglect to pay the said Sum within the Time so limited he will be returned as a Defaulter for the same to the Court of Exchequer, and liable to have the Process of the said Court issued against him for Recovery of the Arrear: Provided always, that nothing herein contained shall be construed to prevent or restrain the Collector, on the Refusal or Neglect of any Person to pay any such Sum as aforesaid, from proceeding forthwith to levy and recover the same in like Manner as any Collector appointed by the Commissioners of Taxes might have done if this Act had not been passed.

Collectors to return Schedules of Defaulters to the Commissioners of Inland Revenue.

13. The several Collectors shall account for and pay over to the Receiver General all Monies which they shall have received or levied for any of the said Taxes at such Times, and under such Orders, Rules, and Regulations, as the Commissioners of Inland Revenue shall from Time to Time make in that Behalf; and the said several Collectors shall also from Time to Time, and as often as the said last-mentioned Commissioners shall direct or require, make out and transmit to the Commissioners of Inland Revenue a Schedule in Writing, signed by such Collectors respectively, containing the Christian and Surnames of the several Persons who shall have made default in Payment of any Sum or Sums assessed or charged upon or payable by them respectively for any of the said Taxes, and the respective Sums then due and in arrear from each such Defaulter, with an Affidavit made by the Collector before any Justice of the Peace that the said

several Persons contained in the said Schedule have had due Notice in the Manner required by Law of the said several Sums so assessed or charged upon or payable by them respectively, and have made default in Payment thereof, and that the same are due from the respective Persons named in the said Schedule as charged therewith, and remain wholly unpaid, either to such Collector, or, to the best of his Knowledge or Belief, to any other Person on behalf of Her Majesty.

The Schedules certified by the Commissioners to the Court of Exchequer to be the Ground of Process.

14. Every such Schedule, being certified under the Hands of any Two of the Commissioners of Inland Revenue to the Court of Exchequer at Westminster, shall be received and taken as sufficient Evidence of a Debt due to Her Majesty, and shall be a sufficient Authority to the Barons of the said Court, or any One of them, to cause Process to be issued against the several Defaulters named in the said Schedule to levy the Sums in arrear and unpaid by them respectively; and the Officer or other Person to whom the said Process shall be directed shall without Delay cause the said Sums to be levied by due Course of Law as Debts due to Her Majesty on Record, with all Costs and Expenses attending the same, and shall pay the Monies so levied, after deducting the said Costs and Expenses, to the Receiver General of Inland Revenue, and shall make Return of the said Process to the said Court according to the due Course thereof.

Commissioners may retain the Schedules, and endeavour to get in the Arrears by other Means than Exchequer Process.

15. Provided always, That it shall be lawful for the Commissioners of Inland Revenue to retain any such Schedule for such Period of Time as they shall think fit, before certifying the same to the Court of Exchequer, and in the meantime to direct the Collector to use all or any the Means or Methods prescribed by Law for collecting or levying the said Arrears; and it shall also be lawful for the said last-mentioned Commissioners, after as well as before the certifying of the said Schedules respectively, at any Time before the actual Payment or Recovery of the said Arrears, to cause the same to be collected and levied in the Manner directed by the Acts relating to the said respective Taxes, and the Sums so levied to be paid to the Receiver General, and to be discharged from the said Schedule; and all Constables and other Peace Officers shall act in obedience to the Directions of the said Commissioners, and shall execute all such Orders and Process as shall be to them or any of them directed for Recovery of the said Arrears.

Commissioners of Inland Revenue may proceed against defaulting Collectors,

16. If any Collector appointed under the Provisions of this Act shall neglect or refuse duly to account, when and as required by the Commissioners of Inland Revenue, or by any Rules or Regulations of the said Commissioners, for any Sum or Sums of Money given in charge to him to collect or receive, or shall neglect or refuse to pay over

over to the proper Receiving Officer any Sum or Sums of Money collected or received by such Collector as aforesaid, it shall be lawful for the Commissioners of Inland Revenue and they are hereby empowered to proceed against such Collector and his Estate and Effects in the Manner provided by the Third and Fourth Sections of the Act passed in the Third Year of the Reign of King George the Fourth, Chapter Eighty-eight; and all the Powers and Provisions of the said Sections shall be deemed to apply to Collectors appointed by the Commissioners of Inland Revenue, and to the said Commissioners, in like Manner as if such Powers and Provisions were repeated and re-enacted, mutatis mutandis, in the Body of this Act.

as provided by 3 G. 4. c. 88. ss. 3, 4.

17. No Parish or Place shall be answerable for the Acts, Neglects, or Defaults of any Collector of the said respective Taxes who shall be appointed by the Commissioners of Inland Revenue in pursuance of this Act, nor shall any Parish or Place be liable to be assessed for any Arrear or Deficiency of the said Taxes respectively arising from the Default or Failure of any such Collector.

Parish not to be answerable for Defaults of Collectors.

18. So much of any Act or Acts as directs that the Collectors of the said respective Taxes shall have or receive any Rate of Poundage or any Share or Proportion of any Rate of Poundage or other Remuneration for what Money they shall respectively pay to the Receiver General or other Officer of Receipt shall, as to the Collectors of the said respective Taxes to be appointed by the Commissioners of Inland Revenue under the Provisions of this Act, be and the same is hereby repealed: Provided always, that in lieu of the Rate of Threepence in the Pound now granted or allowed by Law to the several Assessors and Collectors of Income Tax, and directed to be divided between them in equal Proportion, the said several Assessors shall have and receive One Moiety of the said Allowance for their own Use and Benefit.

Poundage to Collectors appointed under this Act repealed.

19. The Assessors of the Land Tax and Assessed Taxes in every Parish or Place in or for which the Collector of the said respective Taxes shall be appointed by the Commissioners of Inland Revenue under the Provisions of this Act, for duly, speedily, and effectually executing all Matters and Things directed or required by Law to be performed by such Assessors, and for the careful making, writing, and transcribing of their Certificates of Assessment of the said Taxes, respectively, shall have and receive for every Line of Assessment contained in their respective Certificates, that is to say, for every Line specifying the Christian and Surname of the Person assessed, and such other Particulars of or relating to the Assessment as are usually required to be set forth in One Line of the said Certificates, the Sum of Three Halfpence: Provided always, that if it shall be

Assessors of Land and Assessed Taxes how to be remunerated for their Services.

Treasury may authorize a further Allowance in special Cases.

made to appear to the Lords Commissioners of Her Majesty's Treasury that in any District, Parish, or Place the said Allowance is for any special Cause insufficient for the reasonable Remuneration of the said Assessors for their Labour, it shall be lawful for the said Lords Commissioners to authorize the Payment of such further or other Allowance as they shall deem to be fit and proper in that Behalf.

Forms of Proceedings contained in 9 & 10 Vict. c. 56. may be used under this Act.

20. The several Forms of Proceedings contained in the Schedule to the Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Fifty-six, may, so far as the same may be required, be used for the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners of Inland Revenue to make such Alterations in the said Forms as they may deem to be necessary or proper, and every such Form so altered shall be deemed to be good and sufficient.

Treasury may award Compensation to Collectors whose Services are discontinued by the Operation of this Act.

21. It shall be lawful for the Lords Commissioners of Her Majesty's Treasury to award such Compensation as they may deem just and reasonable to any Collector of Taxes whose Services are discontinued by reason of the Provisions of this Act being put in operation in the District in which he shall be such Collector, and who shall have held the said Office of Collector for not less than Five Years continuously before and up to the Fifth Day of April One thousand eight hundred and sixty-five, and whose Emoluments on an Average of the said Five Years shall have amounted annually to Fifty Pounds at least.

Not to extend to Scotland or Ireland.

22. Nothing in this Act contained shall extend to Scotland or Ireland.

Collection of Taxes.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To alter and amend the Laws relating to the Collection of the Land Tax, Assessed Taxes, and Income Tax.

(Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,* 9 *May* 1864.

[Bill 96.]

Under 2 oz.

A

B I L L

TO

Enable Her Majesty to grant a Lease for Nine hundred and ninety-nine Years of the Building known as the College of Physicians in Pall Mall East.

WHEREAS the Site of the Building known as the College of Physicians in Pall Mall East in the County of Middlesex was formerly Part of the Royal Mews, and was appropriated under the Powers of the Act of the Fifty-third Year of King George the Third, Chapter One hundred and twenty-one, for the Purposes of the new Streets and other Improvements authorized by the same Act: And whereas the said Building was erected in or about the Year One thousand eight hundred and twenty-three by and at the sole Costs of the Corporation of the President and Fellows of the Royal College of Physicians, on the Understanding that a Grant or Demise thereof for a nominal Consideration or Rent would be made to them under the Provisions of the Eighty-third Section of the Act of the Fifty-sixth Year of King George the Third, Chapter One hundred and twenty-eight, but no such Grant or Demise has hitherto been made: And whereas it is just and expedient that Her Majesty should be enabled to grant to the said Corporation such a Lease of the said Building and the Site thereof Preamble.

as is herein-after mentioned; but inasmuch as the said Act of the Fifty-sixth Year of King George the Third, Chapter One hundred and twenty-eight, has been repealed by the Act of the Fifth Year of King George the Fourth, Chapter One hundred, such Lease cannot be granted without the Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lease for Term not exceeding 999 Years of Building known as College of Physicians, may be granted on behalf of Her Majesty to Royal College of Physicians.

1. It shall and may be lawful for the Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, having Charge of the Crown Lands and Hereditaments in the County of Middlesex for and on behalf of Her Majesty, Her Heirs or Successors, to grant and demise unto the Corporation of the President and Fellows of the Royal College of Physicians the said Building known as the College of Physicians and the Site thereof, with the Appurtenances thereto belonging, for any Term not exceeding Nine hundred and ninety-nine Years, at a Peppercorn Rent, and with, under, and subject to such Covenants, Conditions, Provisions, and Agreements as such Commissioner shall deem fit: Provided always, that in any such Demise shall be contained a Provision enabling Her Majesty, Her Heirs or Successors, or the Officer for the Time being having the Charge of the Lands comprised in such Demise, absolutely to determine and make void the same in the event of the said Building or the Site thereof, or any Part thereof, being used for or applied to any Purpose whatsoever except the Purposes for and to which the same is now used or applied.

Saving of Rights.

2. Saving always to all Persons and Bodies Corporate soever, other than the Queen's most Excellent Majesty, Her Heirs and Successors, and the said Corporation of the President and Fellows of the Royal College of Physicians, their Successors and Assigns, all Estates, Rights, Titles, Interests, Claims, and Demands whatsoever, both at Law and in Equity, which they now have or would have had if this Act had not been passed.

College of Physicians.

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BILL

To enable Her Majesty to grant a Lease for Nine hundred and ninety-nine Years of the Building known as the College of Physicians in Pall Mall East.

(*Prepared and brought in by Mr. Peel and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 9 *May* 1864.

[98.]

Under 1 *oz.*

7 *March* 1864. 27 Vict.

A

BILL

TO

Amend "The Common Law Procedure (Ireland) "Act, 1853," in relation to Jurors and Juries in the County of Cork.

WHEREAS it is expedient to amend "The Common Law Procedure Amendment Act (Ireland), 1853," as herein-after mentioned, and to make Provision, as herein-after mentioned, in relation to Jurors and Juries in the County of Cork: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. In citing this Act in any Precept, Instrument, Document, Pleading, Proceeding, or Act of Parliament, it shall be sufficient Designation to use the Expression, "The Common Law Procedure Amendment Act (Ireland), 1864, as to County of Cork Juries." Title of this Act.

2. In the County of Cork, if the Judges or Commissioners of Assize, or One of them, shall think fit so to direct, the Sheriff, or the Minister or Ministers to whom the summoning of Jurors to serve Judge of Assize, &c. may direct the same

Panel for the Criminal and Civil Sides, and may direct Two Sets of Jurors to be summoned, one to attend at the Beginning of each Assizes, and the other to attend the Residue thereof, to serve indiscriminately on the Criminal and Civil Side. Summons shall be made out either for the First and Second Set. See 6 G. 4. c. 50. s. 22., 1 & 2 G. 4. c 46., 16 & 17 Vict. c. 113. s.109.

at the Assizes shall belong, shall summon and impannel such Number of Jurors, not exceeding *Two hundred*, as such Judges or Commissioners, or One of them, shall think fit to direct, to serve indiscriminately on the Criminal and Civil Side; and if such Judges or Commissioners, or One of them, shall so direct, such Sheriff or other Minister or Ministers shall divide such Jurors equally into Two Sets; the first of which Sets shall attend and serve for so many Days, at the Beginning of the Assizes, as such Judges or Commissioners, or One of them, shall, within a reasonable Time before the Commencement of such Assizes, think fit to direct, and shall continue further to serve until discharged by the Judges or Commissioners of Assize, or One of them; and the other of which Sets shall attend and serve from the Expiration of the said Days so appointed for the Attendance and Service of the said First Set, or from a Time to be directed by such Judges or Commissioners, or One of them, for the Residue of such Assizes: Provided always, that such Sheriff or other Minister or Ministers shall, in the Summons to the Jurors in each of such Sets, specify whether the Juror named therein is in the First or Second Set, and at what Time the Attendance of such Juror will be required; and during the Attendance and Service of the first of such Sets, the Jury on the Civil and Criminal Side respectively may be drawn from the Names of the Persons in that Set, and during the Attendance and Service of the second of such Sets from the Names of the Persons in such Second Set.

A printed Panel to be prepared and kept in the Office of the Returning Officer, and a Parchment Copy to be annexed to Abstract of Nisi Prius. See 6 G. 4. c. 50. s. 22. 16 &17 Vict. c.113. s.110.

3. A printed Copy of the said Panel, containing the Names (arranged alphabetically, or in such other convenient Order as the Judges or Commissioners of Assize, or One of them, shall think fit to direct), together with the Additions and Places of Abode of the Jurors in each of such Sets, shall, *Seven Days* before the Commencement of the Assizes, be made by such Sheriff or other Minister or Ministers, and kept in the Office of the Returning Officer of such Sheriff or other Minister or Ministers in Dublin, for Inspection; and a printed Copy of such Panel on Parchment shall be delivered by such Sheriff or other Minister or Ministers to any Party requiring the same, on Payment of a Fee of *One Shilling*; and such Copy of such Panel shall be annexed to the Abstract of Nisi Prius.

In case of View, Judge to appoint Trial during the Attendance of Viewers.

4. In any Case wherein an Order for a View shall have been obtained, it shall be lawful for the Judge before whom such Case is to be tried, and he is hereby required, on the Application of the Party obtaining such Order, to appoint such Case to be tried during the Attendance and Service of that Set of Jurors in which the Viewers, or the major Part of them, shall be included: Provided always, that

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it, nevertheless, shall be lawful for such Judge, instead of appointing such Case to be so tried, to order and direct, if it shall appear to him more convenient for the Administration of Justice, that the Viewers, or such competent Number of them as such Judge shall determine, not being (unless the Party obtaining such Order shall so consent) fewer in Number than those in the Set in which such Viewers shall be most numerous, shall attend at the Trial of the Cause in which they shall have been named as Viewers, at whatsoever Period of the Assize the same shall be tried; and thereupon it shall be the Duty of such Viewers accordingly to attend, and to be ready to serve at such Trial.

Proceedings not to be vitiated by Juror acting before or after the Time for which Attendance was required.

5. No Verdict or Finding on any Inquiry of Damages or on any other Inquiry had or delivered by any Jury shall be annulled, vitiated, or affected by reason that any Juror who shall be named in any One Set of such Panel as aforesaid shall have been sworn or shall have acted on such Jury either before or after the Time at which his Attendance shall have been required by the Summons served upon him, or after he shall have been discharged from Attendance by the Judges or Commissioners of Assize or any of them; but nothing herein contained shall prejudice or affect any Right of any Party to challenge any Juror.

Not to alter the Powers of Courts to make Orders for returning Juries as heretofore. See 3 & 4 W. 4. c. 91. ss. 15, 37. 6 G. 4. c. 50. ss. 20, 64.

6. Nothing in this Act shall be construed to prevent the Court of Oyer and Terminer or of Gaol Delivery at such Assizes from having and exercising the same Power and Authority as any such Court may now have and exercise in issuing any Writ or Precept, or in making any Award or Order, orally or otherwise, for the Return of a Jury for the Trial of any Issue before such Court, or for amending or enlarging the Panel of Jurors returned for the Trial of any such Issue; and the Return to every such Writ, Precept, Award, or Order, and the Proceedings thereon, shall be made in the Manner heretofore used and accustomed in any such Court; save that the Jurors shall be returned from the Body of the County, and not from any particular Venue within the County, and shall be qualified according to the Act passed in the Session of Parliament held in the Third and Fourth Years of His late Majesty King William the Fourth, intituled "An Act for consolidating and amend-" ing the Laws relative to Jurors and Juries in Ireland;" neither shall anything in this Act extend or be construed to extend to deprive any Alien indicted or impeached of any Felony or Misdemeanor of the Right of being tried by a Jury *de medietate linguæ*, or to repeal or affect the Provisions of said last-mentioned Act in reference to the Trial of Aliens; nor shall anything in this Act repeal or affect any of the other Provisions of the said last-

mentioned Act now in force, save so far as the same may be inconsistent with the Provisions of this Act.

Special Jurors may be summoned for specified Days.

7. The foregoing Provisions shall not apply to any Special Jury Panel or to any Special Jurors; but in reference to Special Jurors, and to the Panel or Panels of them for the said County, as well the general Panel of Special Jurors made in pursuance of "The Common Law Procedure Act (Ireland), 1853," as any Panel made according to the old Practice existing when the said Act was passed, the Sheriff or other Minister or Ministers to whom the summoning of Special Jurors in said County shall belong shall summon such Special Jurors to attend at the Assizes on such Day or Days as the Judges or Commissioners of Assize, or One of them, shall, within a reasonable Time before the Commencement of the Assizes, think fit to direct; and the Special Jurors shall be summoned by such Sheriff or such other Minister or Ministers to attend on such Day or Days accordingly; and the Special Jurors so summoned shall attend at such Assizes at the Time and Times specified in such Summonses for their Attendance thereat, and shall continue to attend and serve at such Assizes until the End thereof, or until they shall have been discharged by the Judges or Commissioners of Assize, or One of them: Provided always, that if no such Directions shall be given by the Judges or Commissioners of Assize, or One of them, the Special Jurors shall be summoned to attend the Assizes, and shall be bound to attend thereat, in the same Manner as if this Enactment had not been made.

Sheriff to be reimbursed Expenses of giving special Notices to Jurors.

8. If the Assizes shall close, or be about to close, before the Period for the Attendance of the Second Set of Jurors shall have arrived, it shall be lawful for the Judges or Commissioners of Assize, or One of them, to direct that Notice shall be given by the Sheriff to the Jurors named in the Second Set that their Attendance will not be required; and thereupon the Sheriff, by Letters addressed to the Jurors through the Post Office, and by Publication of Notices in the usual Places for posting Notices in the said County, or in such Manner as such Judges or Commissioners, or One of them, shall direct, shall give Notice to the Jurors in such Second Set that their Attendance will not be required at the Assizes for which they shall have been so summoned; and an Account of all Expenses properly incurred by such Sheriff in the giving of such Notices shall be furnished by such Sheriff to the Secretary of the Grand Jury *Ten clear Days* before the then next ensuing Assizes; and it shall be lawful for the Grand Jury at such next ensuing Assizes, and they are hereby required, to present such Sums to be paid to such Sheriff, his Executors or Administrators, as shall be necessary

necessary to pay and satisfy the Expenses properly incurred by such Sheriff in giving such Notices to such Jurors, to be raised and levied off the County at large, without any previous Application at any Presentment Sessions.

Common Law Procedure (Ireland) Act (1853) Amendment.

A

B I L L

To amend "The Common Law Proce-
"dure (Ireland) Act, 1853," in relation to Jurors and Juries in the County of Cork.

(*Prepared and brought in by Mr. Attorney General for Ireland and Sir Robert Peel.*)

Ordered, by The House of Commons, *to be Printed*, 7 *March* 1864.

[Bill 43.]

Under 1 *oz.*

LORDS AMENDMENT

TO THE

COMMON LAW PROCEDURE (IRELAND) ACT (1853) AMENDMENT BILL.

Note.—*The Page and Line refer to the Bill* (51.) *as printed by the Lords.*

Page 2.

Line 2. Leave out ("not exceeding Two hundred")

[Bill 145.]

LORDS AMENDMENT

TO THE

COMMON LAW PROCEDURE (IRELAND) ACT (1853) AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed*,
13 *June* 1864.

[Bill 145.]

Under 1 *oz.*

Contagious Diseases Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

Preamble.

1. Short Title.
2. Interpretation of Terms.
3. Act to extend only to Places in Schedule.
4. Provision as to Expenses of Act.
5. Appointment of Inspector of Hospitals under this Act.
6. Hospitals to be examined and reported on.
7. Power to certify Hospitals.
8. Periodical Inspection.
9. Power to withdraw Certificate.
10. Prostitute believed to have Contagious Disease, being in Thoroughfare, &c. for Prostitution, &c., may be apprehended on Order of Inspector of Police.
11. Justice may call to his Aid Medical Practitioner.
12. Woman may be sent to Certified Hospital.
13. If Knowledge proved she may be also imprisoned.
14. Penalty for quitting Hospital.
15. Power to apprehend Woman quitting Hospital wrongfully.
16. Constable to convey Woman to Hospital.
17. Punishment for Misbehaviour in Hospital.
18. Penalty for permitting Prostitute having Contagious Disease to resort to any House, &c. for Prostitution.
19. Application of 11 & 12 Vict. c. 43.

SCHEDULE.

A

B I L L

FOR

The Prevention of Contagious Diseases at certain Naval and Military Stations.

WHEREAS it is expedient to make Provisions calculated to prevent the spreading of certain Contagious Diseases in the Places to which this Act applies: Preamble.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The Contagious Diseases Prevention Act, 1864. Short Title.

2. In this Act— Interpretation of Terms.

The Term "Contagious Disease" means Venereal Disease:

The Term "Hospital" includes Ward of a Hospital:

The Term "public Place" means a Thoroughfare or other public Street or Place, or a Room or other Place of public Resort:

The Term "Prostitution" includes Solicitation.

Act to extend only to Places in Schedule.

3. The Places to which this Act applies shall be the Places mentioned in the Schedule hereto, the Limits of which Places shall for the Purposes of this Act be such as are defined in that Schedule.

Provision as to Expenses of Act.

4. Expenses incurred in the Execution of this Act shall be paid under the Direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing his Office (hereafter in this Act styled the Admiralty), and of such One of Her Majesty's Principal Secretaries of State as Her Majesty thinks fit for the Time being to intrust with the Seals of the War Department (hereafter in this Act styled the Secretary of State for War), out of Money to be provided by Parliament for the Purpose.

Appointment of Inspector of Hospitals under this Act.

5. The Admiralty and the Secretary of State for War shall, on the passing of this Act, appoint a Superior Medical Officer of Her Majesty's Navy or Army to be, during Pleasure, Inspector of Hospitals under this Act, and may from Time to Time, on the Death, Resignation, or Removal from Office of any such Inspector, appoint another such Officer in his Stead.

Hospitals to be examined and reported on.

6. On the Application of the Authorities having the Direction or Management of any Hospital desiring that such Hospital should be certified under this Act, the Admiralty and the Secretary of State for War may direct the Inspector of Hospitals to examine and report to them on the Condition of that Hospital, and on the Regulations established for its Direction and Management.

Power to certify Hospitals.

7. If on such Examination and Report the Hospital appears to the Admiralty and the Secretary of State for War to be useful and efficient for the Purposes of this Act, and is certified in Writing to be so by the Admiralty and the Secretary of State for War, the same shall be deemed a Certified Hospital for the Purposes of this Act; and every such Hospital is hereafter in this Act referred to as a Certified Hospital.

Periodical Inspection.

8. The Inspector shall from Time to Time visit and inspect every Certified Hospital.

Power to withdraw Certificate.

9. If on the Report of the Inspector respecting any Certified Hospital the Admiralty and the Secretary of State for War think proper to withdraw their Certificate, that Hospital shall thereupon cease to be a Certified Hospital for the Purposes of this Act.

10. If

Prostitute believed to have Contagious Disease, being in Thoroughfare, &c. for Prostitution, &c., may be apprehended on Order of Inspector of Police.

10. If any common Prostitute is in any public Place, within the Limits of any Place to which this Act applies, for the Purpose of Prostitution, any Superintendent or Inspector of Police or Constabulary authorized to act in that Place, having good Cause to believe that such common Prostitute has a Contagious Disease, may, by Order in Writing signed by him, direct a Constable to take her into Custody, and to bring her, as soon as reasonably may be, before a Justice of the Peace, to be dealt with according to Law; and the Constable to whom such Order is directed may, without further Warrant, take into Custody the Woman named in such Order, and bring her before a Justice accordingly.

Justice may call to his Aid Medical Practitioner.

11. Where, upon any Woman being brought before a Justice as aforesaid, it appears to the Justice that she is a common Prostitute, and was in such a public Place as aforesaid for the Purpose of Prostitution, the Justice, for the Purpose of obtaining Medical Testimony as to her having a Contagious Disease, may, if he thinks fit, require her to be examined by a legally qualified Medical Practitioner, to be called by the Justice to his Assistance for this Purpose.

Woman may be sent to Certified Hospital.

12. If it is proved to the Satisfaction of such Justice that the Woman so brought before him is a common Prostitute, and that, having a Contagious Disease, she was, at the Time of her Arrest, in a public Place as aforesaid for the Purpose of Prostitution, the Justice may order her to be taken to a Certified Hospital, there to remain until cured.

If Knowledge proved she may be also imprisoned.

13. If it is proved to the Satisfaction of such Justice that the Woman so brought before him is a common Prostitute, and that, knowingly having a Contagious Disease, she was, at the Time of her Arrest, in a public Place as aforesaid for the Purpose of Prostitution, she shall be deemed guilty of an Offence against this Act, and the Justice may order her to be taken to a Certified Hospital, there to remain until cured, and may further adjudge her to be imprisoned, in case of a First Offence for any Term not exceeding *One Month*, and in case of a Second or subsequent Offence for any Term not exceeding *Three Months*, such Imprisonment to commence from the Time of her legally quitting the Hospital.

Penalty for quitting Hospital.

14. If any common Prostitute, having been by Order of a Justice under this Act sent to a Certified Hospital, quits the Hospital without being required to do so by the Authorities of

the Hospital, she shall be guilty of an Offence against this Act, and on summary Conviction thereof before a Justice of the Peace shall be liable to be adjudged to be sent to the same or some other Certified Hospital, there to remain until cured, or, in the Discretion of the Justice before whom she is convicted, to be imprisoned for any Term not exceeding *Four Months*.

Power to apprehend Woman quitting Hospital wrongfully.

15. Any Justice of the Peace, on Information on Oath satisfying him that there is good Cause to believe that any common Prostitute has been guilty of an Offence against this Act by quitting a Hospital as aforesaid, may issue his Warrant for her Apprehension, and thereupon any Constable may apprehend the Woman named in the Warrant, and bring her before a Justice, to be dealt with according to Law.

Constable to convey Woman to Hospital.

16. Where any common Prostitute is adjudged to be sent to a Certified Hospital, any Constable whom the Justice before whom she is convicted directs shall forthwith, in conformity with an Order of the Justice in this Behalf, convey her to the Hospital accordingly.

Punishment for Misbehaviour in Hospital.

17. Any common Prostitute who, having been by Order of a Justice under this Act sent to a Certified Hospital, refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof, shall be guilty of an Offence against this Act, and on summary Conviction thereof before a Justice of the Peace shall be liable to be adjudged to be imprisoned for any Term not exceeding *One Month*.

Penalty for permitting Prostitute having Contagious Disease to resort to any House, &c. for Prostitution.

18. If any Person, being the Owner or Occupier of any House, Room, or Place within the Limits of any Place to which this Act applies, or being a Manager or Assistant in the Management thereof, knowingly induces or suffers any common Prostitute having a Contagious Disease to resort to or be in such House, Room, or Place for the Purpose of Prostitution, every such Person shall be guilty of an Offence against this Act, and on summary Conviction thereof before a Justice of the Peace shall be liable to a Penalty not exceeding *Twenty Pounds*, or, at the Discretion of the Justice, to be imprisoned for any Term not exceeding *Six Months*, with or without Hard Labour.

Provided that a Conviction under this Enactment shall not exempt the Offender from any penal or other Consequences to which he or she may be liable for keeping or being concerned in keeping a Bawdy House or Disorderly House, or for the Nuisance thereby occasioned.

19. All

19. All Proceedings under this Act before and by Justices shall be had according to the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the Duties of Justices of the "Peace out of Sessions within England and Wales, with respect "to summary Convictions and Orders." Application of 11 & 12 Vict. c. 43.

SCHEDULE.

Names of Places.	Limits of Places.
Portsmouth - -	The Limits of the Municipal Borough of Portsmouth, and of the Residue of the Island of Portsea, and of the Parish of Alverstoke, and of the Township of Landport.
Plymouth - - -	The Limits of the following Parishes; namely,— St. Andrew, Charles the Martyr, St. Peter, St. James the Less, Holy Trinity, Christ Church, St. John, } Plymouth. Stoke Damerel, St. James the Great, St. Paul, St. Mary, } Devonport, Stoke, and Morice Town. St. Stephen, } St. George, Stonehouse.
Woolwich - -	The Limits of the Parishes of Woolwich, Plumstead, and Charlton.
Chatham - - -	The Limits of the following Parishes; namely,— Chatham, Gillingham, St. Nicholas, Rochester. St. Margaret, Rochester. Strood, Frindsbury, and of the Hamlet of Grange, otherwise Grench.
Sheerness - - -	The Limits of the Parish of Minster, and of the Township of Queenborough.
Aldershot - - &c. &c.	

Contagious Diseases.

A

BILL

For the Prevention of Contagious Diseases at certain Naval and Military Stations.

(*Prepared and brought in by*
Lord Clarence Paget, Sir John Pakington,
Sir Morton Peto, and Sir James Fergusson.)

Ordered, by The House of Commons, *to be Printed,*
20 *June* 1864.

[Bill 163.]

Under 1 *oz.*

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[AS AMENDED BY THE SELECT COMMITTEE.]

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Preamble.

1. Short Title.
2. Interpretation of Terms.
3. Act to extend only to Places in Schedule.
4. Provision as to Expenses of Act.
5. Appointment of Inspector of Hospitals under this Act.
6. Hospitals to be examined and reported on.
7. Power to certify Hospitals.
8. Periodical Inspection.
9. Power to withdraw Certificate.
10. Clause A.—Granting or Withdrawal of Certificate to be gazetted.
11. Clause B.—On Information, Justice may issue Notice as in Second Schedule.
12. Clause C.—Constable to serve Notice on Woman.
13. Clause D.—Justice may order Medical Examination at Certified Hospital.
14. Clause E.—Medical Examination at Certified Hospital.
15. Clause F.—Under Order of Justice Woman may be detained for Medical Treatment in Hospital.
16. Clause G.—Penalty for refusing to be examined, or to conform to Rules, or quitting Hospital.
17. Penalty for permitting Prostitute having Contagious Disease to resort to any House, &c. for Prostitution.
18. Application of 11 & 12 Vict. c. 43. and 14 & 15 Vict. c. 93.
19. Clause H.—Forms in Second Schedule.
20. Clause I.—Limitation of Actions, &c.
21. Clause K.—Continuance of Act.

Schedules.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

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WHEREAS it is expedient to make Provisions calculated to prevent the spreading of certain Contagious Diseases in the Places to which this Act applies: Preamble.

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1. This Act may be cited as The Contagious Diseases Prevention Act, 1864. Short Title.

2. In this Act— Interpretation of Terms.

The Term "Contagious Disease" means Venereal Disease:

The Term "Hospital" includes Ward of a Hospital:

The Term "public Place" means a Thoroughfare or other public Street or Place, or a House or Room which is open to the Inspection of the Police, or any Brothel.

Act to extend only to Places in Schedule.

3. The Places to which this Act applies shall be the Places mentioned in the First Schedule hereto, the Limits of which Places shall for the Purposes of this Act be such as are defined in that Schedule.

Provision as to Expenses of Act.

4. Expenses incurred in the Execution of this Act shall be paid under the Direction of the Lord High Admiral of the United Kingdom or the Commissioners for executing his Office (hereafter in this Act styled the Admiralty), and of such One of Her Majesty's Principal Secretaries of State as Her Majesty thinks fit for the Time being to intrust with the Seals of the War Department (hereafter in this Act styled the Secretary of State for War), out of Money to be provided by Parliament for the Purpose.

Appointment of Inspector of Hospitals under this Act.

5. The Admiralty and the Secretary of State for War shall, on the passing of this Act, appoint a Superior Medical Officer of Her Majesty's Navy or Army to be, during Pleasure, Inspector of Hospitals certified under this Act, and may from Time to Time, on the Death, Resignation, or Removal from Office of any such Inspector, appoint another such Officer in his Stead.

Hospitals to be examined and reported on.

6. On the Application of the Authorities having the Direction or Management of any Hospital desiring that such Hospital should be certified under this Act, the Admiralty and the Secretary of State for War may direct the Inspector of Hospitals to examine and report to them on the Condition of that Hospital, and on the Regulations established for its Direction and Management.

Power to certify Hospitals.

7. If on such Examination and Report the Hospital appears to the Admiralty and the Secretary of State for War to be useful and efficient for the Purposes of this Act, and is certified in Writing to be so by the Admiralty and the Secretary of State for War, the same shall be deemed a Certified Hospital for the Purposes of this Act; and every such Hospital is in this Act referred to as a Certified Hospital.

Periodical Inspection.

8. The Inspector shall from Time to Time visit and inspect every Certified Hospital.

Power to withdraw Certificate.

9. If on the Report of the Inspector respecting any Certified Hospital the Admiralty and the Secretary of State for War think proper to withdraw their Certificate, that Hospital shall thereupon cease to be a Certified Hospital for the Purposes of this Act.

10. A Notice

Clause A. Granting or Withdrawal of Certificate to be gazetted.

10. A Notice shall be published in the London or Dublin Gazette (as the Case may require) of the granting or Withdrawal of any Certificate relative to any Hospital under this Act; and a Copy of the Gazette containing any such Notice shall be sufficient Evidence of such granting or Withdrawal; and any such Certificate shall be presumed to be in force until the Withdrawal thereof is proved.

Clause B. On Information, Justice may issue Notice as in Second Schedule.

11. Where an Information, in the Form given in the Second Schedule to this Act, or to the like Effect, is laid before a Justice of the Peace by a Superintendent or Inspector of Police or Constabulary authorized to act in any Place to which this Act applies, or by any Medical Practitioner duly registered as such, the Justice may, if he thinks fit, issue to the Woman named in the Information a Notice in the Form given in the same Schedule, or to the like Effect.

Clause C. Constable to serve Notice on Woman.

12. A Constable or other Peace Officer shall serve such Notice on the Woman to whom it is directed, by delivering the same to her personally, or by leaving the same with some Person for her at her last or usual Place of Abode.

Clause D. Justice may order Medical Examination at Certified Hospital.

13. In either of the following Cases; namely,—

(1.) If the Woman on whom such Notice is served appears herself, or by some Person on her Behalf, at the Time and Place appointed in the Notice, or at some other Time and Place appointed by Adjournment:

(2.) If she does not so appear, and it is shown (on Oath or Affirmation) to the Justice present that the Notice was served on her a reasonable Time before the Time appointed for her Appearance, or that reasonable Notice of such Adjournment was given to her (as the Case may be):

the Justice present, on Oath or Affirmation being made before him substantiating the Matter of the Information to his Satisfaction, may, if he thinks fit, order such Woman to be taken to a Certified Hospital for Medical Examination.

Clause E. Medical Examination at Certified Hospital.

14. Such Order shall be a sufficient Warrant for any Constable or Peace Officer to whom the Order is delivered, to apprehend such Woman, and to convey her with all practicable Speed to the Hospital therein named, and for the Authorities of the Hospital to cause her to be examined by some Medical Officer of such Hospital, for the Purpose of ascertaining whether or not she has a Contagious Disease, and in case, on such Examination, it is ascertained that she has a Contagious Disease, then to detain her in the Hospital for Twenty-four Hours from the Time of her being brought there.

 15. Within

CLAUSE F. Under Order of Justice Woman may be detained for Medical Treatment in Hospital.

15. Within the said Period of Twenty-four Hours the Authorities of such Hospital shall cause a Certificate, signed by the Medical Officer who has made such Examination, stating (if the Fact be so) that on such Examination it has been ascertained that such Woman has a Contagious Disease, to be made out and laid before the Justice by whom the Order was made, or some other Justice having the like Jurisdiction; and thereupon such Justice may, if he thinks fit, order the Authorities of such Hospital to detain such Woman in the Hospital for Medical Treatment until discharged by such Authorities, and such Authorities shall detain her accordingly.

CLAUSE G. Penalty for refusing to be examined, or to conform to Rules, or quitting Hospital.

16. If any Woman ordered as aforesaid to be taken to a Certified Hospital for Medical Examination refuses to submit to such Examination, or if any Woman ordered to be detained in a Certified Hospital for Medical Treatment refuses or wilfully neglects while in the Hospital to conform to the Regulations thereof, or quits the Hospital without being discharged from the same as aforesaid, every such Woman shall be guilty of an Offence against this Act, and on summary Conviction thereof before Two or more Justices of the Peace shall be liable to Imprisonment in the Case of a First Offence, for any Term not exceeding One Month and in the Case of a Second or any subsequent Offence for any Term not exceeding Two Months.

Penalty for permitting Prostitute having Contagious Disease to resort to any House, &c. for Prostitution.

17. If any Person, being the Owner or Occupier of any House, Room, or Place within the Limits of any Place to which this Act applies, or being a Manager or Assistant in the Management thereof, induces or knowingly suffers any common Prostitute having a Contagious Disease to resort to or be in such House, Room, or Place for the Purpose of Prostitution, every such Person shall be guilty of an Offence against this Act, and on summary Conviction thereof before Two or more Justices of the Peace shall be liable to a Penalty not exceeding Ten Pounds, or, at the Discretion of the Justices, to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour.

Provided that a Conviction under this Enactment shall not exempt the Offender from any penal or other Consequences to which he or she may be liable for keeping or being concerned in keeping a Bawdy House or Disorderly House, or for the Nuisance thereby occasioned.

Application of 11 & 12 Vict. c. 43. and 14 & 15 Vict. c. 93.

18. All Proceedings under this Act before and by Justices shall be had, in England according to the Provisions of the Act of the Session of the Eleventh and Twelfth Years of Her Majesty (Chapter Forty-three), "to facilitate the Performance of the Duties of

"Justices

" Justices of the Peace out of Sessions within England and Wales, " with respect to summary Convictions and Orders," and in Ireland according to the Provisions of The Petty Sessions (Ireland) Act, 1851, save so far as those Provisions respectively are inconsistent with any Provision of this Act, and save also that, except where the Woman concerning whom an Information is laid under this Act in the Form given in the Second Schedule desires the contrary, the Room or Place in which a Justice sits to inquire into the Truth of the Statements contained in any such Information shall not be deemed an open Court for that Purpose, and, except in the Case aforesaid, such Justice may in his Discretion order that no Person have Access to or be or remain in that Room without his Consent or Permission.

Clause H. Forms in Second Schedule.

19. The Forms of Orders and Certificate given in the Second Schedule to this Act shall be used for the Purposes of this Act, with such Variations as Circumstances may require.

Clause I. Limitation of Actions, &c.

20. For the Protection of Persons acting in the Execution of this Act,—all Actions and Prosecutions against any Person for anything done in pursuance or execution or intended execution of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Three Months after the Fact committed, and not otherwise; and Notice in Writing of such Action and of the Cause thereof shall be given to the Defendant One Month at least before the Commencement of the Action; and in any such Action the Defendant may plead generally that the Act complained of was done in pursuance or execution or intended execution of this Act, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and the Plaintiff shall not recover in any such Action if Tender of sufficient Amends is made before such Action brought, or if a sufficient Sum of Money is paid into Court after such Action brought, by or on behalf of the Defendant; and if a Verdict passes for the Defendant, or the Plaintiff becomes nonsuit, or discontinues any such Action after Issue joined, or if upon Demurrer or otherwise Judgment is given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant has by Law in other Cases; and though a Verdict is given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial is had certifies his Approbation of the Action and of the Verdict.

Clause K. Continuance of Act.

21. This Act shall continue in force for Three Years from the passing thereof, and no longer.

The FIRST SCHEDULE.

Names of Places.	Limits of Places.
Portsmouth - -	The Limits of the Municipal Borough of Portsmouth, and of the Residue of the Island of Portsea, and of the Parish of Alverstoke, and of the Township of Landport.
Plymouth - - -	The Limits of the following Parishes; namely,— St. Andrew, Charles the Martyr, St. Peter, St. James the Less, Holy Trinity, Christ Church, St. John, } Plymouth. Stoke Damerel, St. James the Great, St. Paul, St. Mary, St. Stephen, } Devonport, Stoke, and Morice Town. St. George, Stonehouse.
Woolwich - -	The Limits of the Parishes of Woolwich, Plumstead, and Charlton.
Chatham - - -	The Limits of the following Parishes; namely,— Chatham, Gillingham, St. Nicholas, Rochester, St. Margaret, Rochester, Strood, and Frindsbury, and of the Hamlet of Grange, otherwise Grench.
Sheerness - - -	The Limits of the Parish of Minster, and of the Township of Queenborough.
Aldershot - -	The Limits of the following Parishes; namely,— Purbright, Ash, Compton, Pepper Harrow, Frimley, Puttenham, Seal, and Tongham, Elstead, Farnham, Bisley, } in the County of Surrey.

Names of Places.	Limits of Places.
	Aldershot, Yateley, Crondall, Dogmersfield, Winchfield, Hartley Wintney, Cove, Eversley, Farnborough, Binstead, Bentley, in the County of Hants. Sandhurst, in the County of Berks.
Colchester - -	The Limits of the following Parishes; namely,— St. Botolph. St. Giles. St. Mary at the Wall. Old Trinity. St. Runwald's. St. Peter's.
Shorncliffe - -	The Limits of the following Parishes; namely,— Cheriton. Hythe. Folkestone.
The Curragh - -	The Limits of the following Parishes; namely,— Kilcullen. Kildare. Ballysax. Great Conwell. Morristown-beller.
Cork and Queenstown -	

The SECOND SCHEDULE.

FORM OF INFORMATION.

to wit. } THE Information of *C.D.* of , Superintendent of Police for or [Medical Practitioner, *or as the Case may be*], taken this Day of 186 , before the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*] of , who says he has good Cause to believe that *A.B.* of in the said [*County*] of is a common Prostitute, and has a Contagious Disease within the Meaning of

The Contagious Diseases Prevention Act, 1864, and within Fourteen Days before the Date of this Information, that is to say, on day, the Day of , was in a public Place within the Limits of a Place to which the said Act applies, that is to say, in Street, in the Parish of , for the Purpose of Prostitution.

Taken before me the Day and Year first above mentioned.

(Signed) *L.M.*

FORM OF NOTICE.

To *A.B.* of .

TAKE Notice, that an Information, a Copy whereof is subjoined hereto, has been laid before me, and that, in accordance with the Provisions of the Act therein mentioned, the Truth of the Statements therein contained will be inquired into before me, or some other Justice, at , on the Day of , at o'Clock.

You are, therefore, to appear before me, or such other Justice, at that Place and Time, and to answer to what is stated in the said Information.

You may appear yourself, or by any Person on your Behalf.

If you do not appear, you may be ordered, without further Notice, to be taken to a Certified Hospital for Medical Examination.

Dated this Day of .

(Signed) *L.M.*
Justice of the Peace for .

[*Subjoin Copy of Information.*]

FORM OF ORDER FOR EXAMINATION.

} BE it remembered, that on the Day of ,
to wit. } in pursuance of The Contagious Diseases Prevention Act, 1864, I, One of Her Majesty's Justices of the Peace in and for the said [*County*] of , do order that *A.B.* of be taken to Hospital (being a Certified Hospital within the Meaning of the said Act) for Medical Examination.

(Signed) *L.M.*

FORM OF MEDICAL CERTIFICATE.

To *L.M.*, Esq., and others, Her Majesty's Justices of the Peace for the [*County*] of

IN pursuance of The Contagious Diseases Prevention Act, 1864, I hereby certify that I have this Day examined in this Hospital *A.B.* of , and that she has a Contagious Disease within the Meaning of the said Act.

Dated at the Hospital this Day of 186 .

(Signed) *E.F.*
House Surgeon to the Hospital
[*or as the Case may be*].

FORM

FORM OF ORDER FOR DETENTION IN HOSPITAL.

To the Governors or Managers of the Hospital, at , and to the Superintendent, Secretary, and other Officers of the said Hospital, and to all others whom it may concern.

to wit. } IN pursuance of The Contagious Diseases Prevention Act, 1864, I, One of Her Majesty's Justices of the Peace in and for the said [*County*] of , do order that *A.B.* of be detained in the Hospital at for Medical Treatment until duly discharged, and I do command you to detain her accordingly; and for so doing this shall be your Warrant.

Dated this Day of 186 .

(Signed) *L.M.*

Contagious Diseases.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For the Prevention of Contagious Diseases at certain Naval and Military Stations.

(*Prepared and brought in by Lord Clarence Paget, Sir John Pakington, Sir Morton Peto, and Sir James Fergusson.*)

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1864.

[Bill 212.]

Under 2 *oz.*

LORDS AMENDMENTS

TO THE

CONTAGIOUS DISEASES BILL.

Note.—*The Page and Line refer to the Bill* (234.) *as first printed by the Lords.*

Page 1.

Line 11. After (" Venereal Disease ") insert (" including " Gonorrhea ")

Page 2.

Line 31. Leave out (" said ")

Line 32. Leave out (" or ")

Line 33. Leave out (" is ") and after (" or ") insert (" Officers " for the Time being ")

Line 35. Leave out (" Person or ") and after (" Persons ") insert (" or Officers ")

Page 3.

Lines 28, 29, and 33. Leave out (" or Affirmation ")

Page 4.

Line 25. Leave out (" Authority ") and insert (" Authorities ")

Line 27. Leave out (" a ") and insert (" any ")

Page 8.

Line 31. Leave out (" and Queenstown ") and in the Second Column insert (" The Limits of the Borough of Cork for Municipal " Purposes ")

At the End of the Schedule add,

(" Queenstown	-	The Limits of the Town of Queenstown for the Purposes of Town Improvement ")

Line 39. Leave out (" said ")

Page 9.

Line 19. After (" Examination ") insert (" If you prefer it, " you may go with the Constable [or as the Case may be] who " serves this Notice to the Hospital at , " and submit yourself there to Medical Examination ")

Page 10.

Line 2. Leave out ("Governors or Managers") and insert ("Authorities")

Lines 3, 4, and 5. Leave out ("and to the Superintendent, "Secretary, and other Officers of the said Hospital, and to all "others whom it may concern")

Line 10. After ("discharged") insert ("by you")

LORDS AMENDMENTS

TO THE

CONTAGIOUS DISEASES BILL.

Ordered, by The House of Commons, *to be Printed,*
26 *July* 1864.

[Bill 239.] *Under* 1 *oz.*

(Ireland.)

A

BILL

TO

Amend the Laws relating to Conveyancers, Special Pleaders, and Draughtsmen in Equity practising in Ireland.

WHEREAS it is expedient to amend the Laws relating to Conveyancers, Special Pleaders, and Draughtsmen in Equity practising in Ireland, in the Manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act shall commence and take effect on and from the *Fifth Day of February One thousand eight hundred and sixty-five.* Commencement of Act.

2. From and after the *Commencement of this Act*, it shall not be lawful for the Commissioners of Inland Revenue or any of their Officers to grant or issue to any Person any such stamped Certificate as is required to be taken out by every Person in Ireland who, in the Character of a Conveyancer, Special Pleader, Draughtsman in Equity, or otherwise, shall, for or in expectation of any Fee, Gain, or Reward, draw or prepare any Conveyance of, or Deed or Instrument relating to, any Estate or Property, Real or Personal, or any other Commissioners of Inland Revenue not to grant Certificates to Persons herein mentioned, except on their depositing an

Order from Benchers of King's Inns authorizing the same. 16 & 17 Vict. c. 63. (Schedule.)

other Deed or Contract whatever, or any Pleadings or Proceedings in any Court of Law or Equity, unless and until such Person shall have left with the said Commissioners or their proper Officers an Order of the Benchers of the Honourable Society of King's Inns at Dublin granting him Permission to take out such stamped Certificate, or a Copy of such Order, certified under the Hand of their Treasurer, Sub-Treasurer, or Clerk; and the said Benchers, before they shall issue any such Order, shall satisfy themselves of the Qualification and Fitness of the Person applying therefor, and they shall prepare Rules for the Purpose of defining what Qualification shall be required for such Order: Provided always, that such Order or Copy of such Order, certified as aforesaid, once granted by the said Benchers to any such Conveyancer, Special Pleader, or Draughtsman in Equity, shall be held to be good and valid for the Purposes of this Act until the same shall have been revoked for Misconduct by the said Benchers, which they are hereby authorized to do; and in case any such Order shall have been so revoked by the said Benchers, they shall transmit to the Commissioners of Inland Revenue, certified as aforesaid, a Notice that such Person is no longer entitled to such Order, and that the same has been revoked accordingly: Provided also, that every Conveyancer, Special Pleader, and Draughtsman in Equity, who at the Date of the passing of this Act shall be legally acting as such, shall be deemed a qualified and fit Person, and as such entitled to an Order of the said Benchers to take out his stamped Certificate, unless the contrary shall be shown to the Satisfaction of the said Benchers.

Penalties on Persons acting as Attorneys, &c., unless qualified as herein mentioned.

3. Every Person who shall, for or in expectation of any Fee, Gain, or Reward, in anywise act or practise as a Conveyancer, Special Pleader, or Draughtsman in Equity in Ireland, without being duly qualified to act and practise as herein provided, other than and except Barristers-at-Law, and also Solicitors, Attornies, Proctors, or Notaries, and other than and except Officers in the Public Service of the State drawing or preparing official Instruments applicable to their respective Offices, shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds nor less than Five Pounds, to any Person who shall sue or prosecute for the same, either by Action in any of Her Majesty's Superior Courts of Common Law at Dublin or before the Chairman in the Civil Bill Court at Quarter Sessions, or before any Court of Petty Sessions in Ireland, under the Provisions of the Acts relating to Summary Jurisdiction in Ireland, or any of them: Provided always that no Conveyance, Deed, or Instrument merely transferring any Shares or Stock in any Public Company, and in which there shall be no Trust or Limitation of the said Shares or Stock, shall be deemed a Conveyance, Deed, or Instrument within the Meaning of this Act.

Conveyancers, &c. (Ireland).

A

B I L L

To amend the Laws relating to Conveyancers, Special Pleaders, and Draughtsmen in Equity practising in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Sir Robert Peel.*)

Ordered, by The House of Commons, *to be Printed,* 8 *February* 1864.

[Bill 5.]

Under 1 *oz.*

Copyright (No. 2.) Bill.

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(No. 2.)

A

BILL

TO

Consolidate and amend the Acts relating to Copyright in Works of Literature and the Fine Arts.

Preamble.

WHEREAS it is expedient that the several Acts now in force relating to Copyright in Works of Literature, the Drama, Music, and the Fine Arts, as well as the several Acts relating to International Copyright, should be amended and consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts set forth in Schedule repealed.

1. The several Acts and Parts of Acts set forth in Schedule A. to this Act annexed are hereby repealed to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed.

Proviso as to existing Copyright.

2. Provided always, That notwithstanding such Repeal of the said Acts every Copyright which shall be subsisting at the Time of the passing of this Act shall continue in force till the Expiration of such Copyright, and shall be the Property of the then Proprietor; and with regard to all Offences or Injuries committed against any such Copyright before this Act shall come into operation,

tion, every Penalty imposed and every Remedy given by the said Acts in relation to any such Offence or Injury shall be applicable as if such Acts had not been repealed: Provided also, that nothing in this Act contained shall affect, alter, or vary any Right subsisting at the Time of passing this Act, except as herein expressly enacted; and also Contracts, Agreements, and Obligations made and entered into before the passing of this Act shall remain in full Force.

Copyright shall be Personal Property.

3. All Copyright under this Act shall be deemed Personal Property, and be transferable by Sale or Bequest, and in case of Intestacy shall be subject to the same Law of Distribution as other Personal Property, and in Scotland shall be deemed to be Personal or Moveable Estate, and shall be vested in the original Proprietor or his Assigns for the Time being, and such Assigns shall have all the same Rights and Privileges attaching thereto as any original Proprietor from whom such Copyright may have been derived; and every Assignment of Copyright to which this Act refers, and every Licence to use or copy by any Means or Process the Design or Work which shall be the subject of such Copyright, shall be made by some Note or Memorandum in Writing, to be signed by the Proprietor of the Copyright, or by his Agent appointed for that Purpose in Writing.

Assignments, Licences, &c. to be in Writing.

Duration of Copyright.

4. The Copyright in any Work of Literature first printed and published in the British Dominions, provided the Author thereof be a British Subject or be resident in the British Dominions, shall be vested in such Author or his Assigns for the Periods hereafter stated in relation thereto respectively:

Copyright in Books.

The Copyright in Books published in the Lifetime of the Author shall be the Property of the Author or his Assigns during the Term of the natural Life of such Author, and for *Seven* Years afterwards, or for *Forty-two* Years from the Date of First Publication if the latter be the longest Term:

Books first published after Death of Author.

The Copyright in Books first published after the Death of the Author shall be the Property of the Proprietor of the Author's Manuscript and his Assigns for *Forty-two* Years from the First Publication thereof:

Copyright in Periodical Works.

The Copyright in a Contribution to a Periodical Work, such Contribution being composed for Publication, and given or sold to the Publisher, Editor, Projector, Conductor, or Proprietor of such Periodical, shall be the Property of such Publisher, Proprietor, Conductor, Editor, or Projector during the Author's natural Life and for *Seven* Years afterwards, but without the Right of publishing the same in a separate Form, unless

unless a Consent in Writing be previously obtained from the Author of such Contribution, or his Assigns, which Right of separate Publication shall be vested in the Author and his Assigns after *Twenty-eight* Years from the First Publication of his Contribution in such Periodical, or earlier if there be any Contract, expressed or implied, reserving to the Author such Right of separate Publication before the Expiration of such *Twenty-eight* Years:

Copyright in Books of Universities and Colleges.

The Copyright in Books bequeathed or otherwise given by the Author of the same, or his Personal Representative, to or in trust for the "Universities or Colleges," shall be vested in the said "Universities or Colleges" for the Period for which the same shall be bequeathed or given, or if not bequeathed to them for any limited Period, so long as such Books shall be printed only at their own Printing Presses within the said Universities or Colleges respectively, and for their sole Benefit and Advantage; but the said Universities and Colleges shall have the Right to sell their Copyright in Books so bequeathed, in which Case the Copyright shall endure only for the Term given by this Act to other Books.

Copyright in Lectures, Musical and Dramatic Pieces.

5. The Copyright in any Lecture, Sermon, Musical Composition, or Dramatic Piece, first delivered, represented, or performed in the British Dominions, not printed or published by the Author thereof or his Assigns, provided such Author be a British Subject or Resident in the British Dominions, shall be vested in the Author or his Assigns, together with the sole Right of delivering, representing, or performing, or causing the same to be delivered, represented, or performed, and the sole Right of printing and publishing the same, for the same Term as is prescribed to the Authors of a Work of Literature by this Act, from the Date of the First Delivery, Representation, or Performance thereof.

Author of Work of Fiction, his Right to dramatise the same.

6. The Author of any Work of Fiction, or his Assigns, shall, during the Existence of Copyright therein, have the sole Right of converting the same or any Portion thereof, or causing the same or any Portion thereof to be converted, into a Drama.

Copyright in Prints, &c.

7. The Copyright in any Print, Map, Chart, or Plan first published within the British Dominions shall vest in the Person, being a British Subject or resident within the British Dominions, who shall have first engraved or procured the same to be engraved, or in his Assigns, for the same Term as is prescribed to the Authors of Books by this Act, to commence from the First Publication thereof,

provided the Author's Name and the Date of First Publication be printed on each Print.

Copyright in Works of Art hereafter made or sold to vest in the Author for his Life and for Seven Years after his Death.

8. The Author, being a British Subject or resident within the British Dominions, of every original Sculpture, Model or Cast, Painting, Drawing, Engraving, or Photograph, or other Work of Art which shall be or shall have been made either in the British Dominions or elsewhere, and which shall not have been sold or disposed of before the Commencement of this Act, shall have Copyright in such Works of Art, and he and his Assigns shall have the sole and exclusive Right of copying, engraving, reproducing, and multiplying such Work of Art, by any Means and of any Size, for the same Term as is prescribed to the Authors of a Work of Literature by this Act, provided his Name and the Date of Publication be marked on such Work of Art; provided that when any Sculpture, Model or Cast, or any Painting or Drawing, or the Negative of any Photograph, shall for the first Time after *the passing of this Act* be sold or disposed of, or shall be made or executed for or on behalf of any other Person for a good or a valuable Consideration, the Author or Artist thereof shall not produce Copies or Engravings or Photographs of the same, unless he have Leave to do so, by an Agreement in Writing, signed by the Proprietor of such Work of Art.

Copyright not to prevent the Representation of the same Subjects.

9. Nothing herein contained shall prejudice the Right of any Person to copy or use any Work in which there shall be no Copyright, or to represent any Scene or Object, notwithstanding that there may be Copyright in some other Representation of such Scene or Object.

Illustrations in Works of Literature.

10. All Illustrations produced by Plates, Wood-cuts, or other Means in any Work of Literature, shall be deemed a Part of such Work, and be the Copyright of the Proprietor thereof.

International Copyright in Literature, &c.

11. Her Majesty may, by any Order in Council, direct that the Author, and his Personal Representatives, of any Books, Paintings, Prints, Dramatic Pieces, Musical Compositions, Articles of Sculpture, Engravings, and other Works of Art, to be defined in such Order, which shall, after a future Time to be specified in such Order, be first published, produced, performed, or represented in any Foreign Country to be named in such Order, shall have the Privilege of Copyright therein, or sole Liberty of Representation or Performance, as the Case may be, within the British Dominions, for the same Period as is granted by this Act to the Authors of the like Productions first published, produced, represented, or performed in the

the United Kingdom, unless limited to any shorter Period by such Order; and Her Majesty may, by any further Order or Orders in Council, from Time to Time revoke, alter, or vary any such Order or Orders, or make any other Order or Orders in relation thereto and in lieu thereof, with similar Power to revoke, alter, or vary the same.

International Copyright in Translations.

12. The Author of any such Book or Dramatic Piece to which the Privilege of Copyright is by Order in Council extended, and his Assigns, shall, so long as such Order in Council remains in force, be empowered to prevent the Publication, unless with the Authority of the Author, of any Translation of such Book, or the Representation of any Translation of such Dramatic Piece, within the British Dominions, for any Time specified in such Order not exceeding *Five* Years from the Time at which the authorized Translation of such Book or Dramatic Piece, or each Part thereof if published in Parts, may be first published or publicly represented, and the Author or his Assigns shall have Copyright in such Translation during the Time so specified.

International Copyright in Newspaper Articles or Periodicals.

13. Any Article of political Discussion or otherwise which has been published in any Newspaper or Periodical in a Foreign Country, to which the Privilege of Copyright is extended, may, if the Source from which the same is taken be acknowledged, be republished or translated in any Newspaper or Periodical in this Country, unless the Author has signified his Intention of preserving the Copyright therein, and the Right of translating the same, in some conspicuous Part of the Newspaper or Periodical in which the same was first published, in which Case the same shall, without the Formalities required by this Act, receive the same Protection as is thereby extended to Books by the Provisions relating to International Copyright.

In the event of Hostilities Treaties to remain in force.

14. In the event of Hostilities occurring between Great Britain and any of the States with which an International Treaty on Copyright shall subsist, such Hostilities shall not be deemed to annul or render nugatory such Treaty, which shall remain in full Force in Time of War as in Time of Peace.

Register to be kept.

15. Registers for the Registration of the Proprietorship in any Copyright of Works of Literature, Right of Representation or Performance, permitted by this Act to be registered according to Form No. 1. in the Schedule B. to this Act, and also of any Assignment or Licence affecting the same, according to Form No. 2. in Schedule B. to this Act, shall be kept at the Hall of the Stationers

Company in London by the Registrar. Where the Author or Proprietor is not certain of the Day of Publication, he may insert the Year only, in which Case the Copyright shall run from the First of January of that Year.

Register of Proprietors of Copyright in Sculpture, Paintings, Engravings, Drawings, and Photographs to be kept at Stationers Hall, as in 5 & 6 Vict. c. 45.

16. There shall also be kept at the Hall of the Stationers Company a Book or Books, entitled "The Register of Proprietors of "Copyright in Sculpture, Paintings, Engravings, Drawings, and "Photographs, and other Works of Art," wherein shall be entered a Memorandum of every Copyright of such Works of Art, and also of every subsequent Assignment of any such Copyright, according to the Forms No. 1. and No. 2. in the Schedule B. to this Act; except that the Forms of Entry may be varied to meet the Circumstances of each Case, with a short Description of the Nature and Subject of the Work registered, and in addition thereto, if the Person registering shall so desire, a Sketch, Outline, or Photograph of the said Work; and no Proprietor of any such Copyright shall be entitled to the Benefit of this Act until such Registration, and no Action shall be sustainable nor any Penalty be recoverable in respect of any Infringement of Copyright before Registration; and that the Sum to be demanded by the Officer of the said Company of Stationers for making any Entry of Sculpture, Paintings, Engravings, Drawings, and Photographs, and other Works of Art, shall be *Two Shillings and Sixpence.*

Registry of Copyright Works to be open for Inspection.

17. The Registry of Copyright Works shall, during the official Hours of Business, be open to the Inspection of any Person on Payment of *One Shilling* for each Entry searched for or inspected, or for a more general Search *Two Shillings and Sixpence* for each Year inspected; and the said Registrar shall, when required during the official Hours of Business, give a Copy of any Entry in such Books, certified under his Hand, and impressed with the Stamp of the said Company, to be by them provided for such Purpose, to any Person requiring the same, on Payment to the said Registrar of the Sum of *One Shilling;* and any Copy of any such Entry so certified and impressed shall be received in Evidence in all Courts and in all summary Proceedings, and shall be primâ facie Proof of the Proprietorship or Assignment of Copyright, Right of Representation or Performance, or Licence, as therein expressed, but subject to be rebutted by other Evidence.

The Registrar to publish Lists.

18. The Officer appointed for Registration shall furnish annually to the Comptroller of Her Majesty's Stationery Office, for Publication, the following Particulars; viz.,

A List

A List of all Books and Literary Works published in the British Dominions which have been registered during the Year, with the Date of Registration and First Publication:

A List of all Assignments made during the same Year of Books and Literary Works published in the British Dominions:

A List of all Foreign Books and Literary Works registered under the International Copyright Act during the Year:

A List of all the Works of Art registered during the Year, and all Assignments of the same.

Authors of Copyright Works may register at Stationers Hall.

19. The Author of or Proprietor of the Copyright in any Book or Periodical Work or of any Dramatic Piece or Musical Composition, whether British or Foreign, or of any Work of Art to which the Privilege of Copyright extends, and his Assigns, may require an Entry thereof to be made in the Register, by presenting to the Registrar a Request for that Purpose according to the Form No. 3. of Schedule B. to this Act, and on Payment to the Registrar of the Sum of *Two Shillings and Sixpence* in respect of such Book or Work of Art, and of *One Shilling* if first published in any Foreign Country; provided that in all Cases of Periodical Works it shall be sufficient for the Provisions of this Act if the First Part, Number, or Volume be so entered and registered.

Assignee may, with Consent of Proprietor, register Assignment.

20. In case of any Assignment by the registered Proprietor of the whole or any Portion of his Interest in any Copyright, Right of Representation or Performance, the Assignee, with the Consent of such registered Proprietor, may require an Entry thereof to be made in the Register by presenting to the Registrar a Request and Concurrence in the Form No. 4. of Schedule B. to this Act, and on Payment of the Fee of *Two Shillings and Sixpence* to the Registrar; and any Entry made in pursuance thereof shall operate as a legal Assignment, be free from Stamp Duty, and have the same Force as an Assignment by Deed.

Translations of International Copyright Works to be registered.

21. In order to entitle to the Protection of this Act the Translation of any original Work (including Articles in any Newspaper or Periodical, and afterwards published in a separate Form,) first published in any Foreign Country to which the Privilege of Copyright in Great Britain is extended, the Author of such original Work must cause the same to be registered in manner above prescribed within *Three* Months after First Publication thereof in such Foreign Country, and such Translation must be so registered within *Three* Months after its Publication.

Penalty on Registrar for Refusal to register, &c.

22. If the Registrar refuse or neglect to enter in the Register any Copyright Work entitled to Registry under this Act, or any Assignment which he is required to enter, or to give any certified Copy of any Entry therein, on Demand being made by the Person entitled to demand such Registry or certified Copy, the Fee for the same being first tendered to the Registrar, he shall forfeit the Sum of *Twenty Pounds* for each such Refusal or Neglect.

Entry primâ facie Evidence.

Making false Entries indictable.

23. Every Entry made in pursuance of this Act of any First Publication shall be primâ facie Evidence of a rightful First Publication, but subject to be rebutted by other Evidence; and if any Person shall wilfully make or cause to be made any false Entry in the Register, or shall wilfully produce or cause to be tendered in Evidence any Paper falsely purporting to be a Copy of any Entry in the said Register, he shall be guilty of an indictable Misdemeanor, and shall be punished accordingly.

Copies of British Copyright Works to be deposited.

24. The Publisher of every Book published in the British Dominions shall deliver or cause to be delivered One printed Copy of the whole of the First Edition, together with all Maps, Prints, or other Engravings belonging thereto, or of any Second or subsequent Edition if the First or some preceding Edition shall not have been delivered, and of every subsequent Edition which shall contain Additions or Alterations, the same to be finished and coloured in the same Manner as the best Copies of the same, whether bound, sewed, or stitched together, shall be published, and upon the best Paper on which the same shall be printed, at the British Museum within the Times herein-after mentioned in relation thereto respectively:

At British Museum.

If the First Publication, Sale, or Exposure for Sale be within the Bills of Mortality, within *One* Month thereafter:

If the First Publication, Sale, or Exposure for Sale be in any other Part of the United Kingdom, within *Three* Months thereafter:

If the First Publication, Sale, or Exposure for Sale be in any other Part of the British Dominions, within *Twelve* Months thereafter.

At Stationers Hall or Libraries.

25. The Publisher of every Book published in the British Dominions shall deliver or cause to be delivered at Stationers Hall Four printed Copies of the whole of the First Edition, together with all Maps, Prints, or other Engravings belonging thereto, or of any Second or subsequent Edition if the First or some preceding Edition shall not have been delivered, and of every subsequent Edition

Edition which shall contain Additions or Alterations, the same to be finished and coloured in the same Manner as the greater Portion of the Impression of the same, whether bound, sewed, or stitched together, shall be published :

Such Delivery of such Four Copies at Stationers Hall to be for Transmission to and Deposit at the following Libraries ; viz., of One Copy to the Bodleian Library at Oxford, One Copy to the Public Library at Cambridge, One Copy to the Library of the Faculty of Advocates at Edinburgh, and One Copy to the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, within *One* Month after Demand in Writing under the Hand of the Person duly authorized by the said Company of Stationers or by the Librarian of any of the said Libraries, or by any other Person thereto authorized by the Librarians of the said Libraries, to demand and receive the same ; provided that such Demand shall be left at the Place of Abode of the Publisher of such Book within *Twelve* Months after its First Publication :

If any Publisher shall be desirous of delivering the Copy of any Book so demanded on behalf of any of the said Libraries at such Library, it shall be lawful for him to deliver the same free of Expense at such Library to the Officer appointed for such Purpose, and such Delivery shall be held as equivalent to and accepted in lieu of Delivery to the aforesaid Officer of the Stationers Company.

Books, &c. entitled to International Copyright to be deposited.

26. The Author of any Book or of any Dramatic Piece or Musical Composition, if printed or published in any Foreign Country to which the Privilege of Copyright is extended, and of any Translation thereof, shall deliver or cause to be delivered to the Registrar One Copy of the whole, whether in One or more Volumes, of every such Work, together with all Maps and Prints relating thereto, One Copy of the whole of every Second or subsequent Edition thereof which shall contain any Addition or Alterations, and One Copy of every Print or Engraving ; and with regard to such Translation shall also deliver to the said Registrar One Copy of the original Work from which such Translation is made, with a Notification on the Title Page, or if published in Parts, on the Title Page of the First Part, or if no Title Page on some conspicuous Part of the Work, of his Intention to reserve the Right of Translation ; and One Copy of every such Translation, and every such original Work intended for Translation, shall be so delivered within *Three* Months after the First Publication thereof in the Foreign Country, and the Translation thereof within *Twelve* Months afterwards, unless published in Parts, in

which Case each Part of such original Work shall be delivered within *Three* Months after its Publication, and the Translation of each Part within *Twelve* Months after Delivery of the Part of which it is a Translation.

Days and Hours of Deposit.

27. All such Deliveries as aforesaid shall be made between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of any Days except Sundays, and such other Days as are at the said Places of Delivery duly appointed to be observed and kept as public Holidays, to the Officer duly appointed at such Places to receive the same, and which Officer shall give Receipts in Writing for the Copies so delivered to him, and be responsible for the due Deposit thereof within *One* Month thereafter in the several Places for which they are delivered, and such Receipts shall be sufficient Proof of such Delivery.

Penalty for default in delivering Copies for the Use of theLibraries.

28. If any Publisher of any such Book, or of any Second or subsequent Edition required by this Act to be delivered, shall neglect to deliver the same, pursuant to this Act, he shall forfeit for every such Default, besides the Value of such Copy of the Book or Edition which he ought to have delivered, a Sum not exceeding *Five Pounds*, to be recovered by the Librarian or other Officer (properly authorized) of the Library for the Use whereof such Copy should have been delivered, in a summary Way, on Conviction before Two Justices of the Peace for the County or Place where the Publisher making default shall reside, or by Action of Debt or other Proceeding of the like Nature, at the Suit of such Librarian or other Officer, in any Court of Record in the United Kingdom, in which Action, if the Plaintiff or Defendant shall obtain a Verdict, he shall recover the Costs reasonably incurred, to be taxed as between Attorney and Client.

Notice of Copyright may be given to Commissioners of Customs.

29. The registered Proprietor of the Copyright in any Book first printed and published in the British Dominions, or in any Foreign Country to which the Privilege of Copyright is extended, and of any Work of Art which shall be registered after the passing of this Act, or his Agent, may give to the Commissioners of Her Majesty's Customs Notice in Writing of such Copyright, such Notice to be in the Form No. 5. of Schedule B. to this Act, and to contain the Particulars specified therein so far as they are applicable, together with a Copy of the Entry of the Registry of such Book or Work of Art, duly certified by and under the Hand of the Registrar, and for which certified Copy such Registrar shall be entitled to the Fee of *One Shilling*.

30. The

Commissioners to publish Lists.

30. The said Commissioners shall cause to be made and publicly exposed at the Custom House of the several Ports in the United Kingdom printed Lists of all Books and Works of Art of which such Notice shall be given to them as aforesaid, and also from Time to Time deliver to the Board of Trade so many Copies of such Lists as such Board may require, for Transmission to Her Majesty's Possessions abroad, for public Exposure there, at such Places and in such Manner as the Board of Trade may direct: Provided always, that at the Expiration of *Forty-two* Years from the Date of Publication of any Book or Work of Art inserted in the same Lists the said Commissioners shall cause it to be struck out of the said Lists, unless the Proprietor of the Copyright shall then give further Notice that the Arthor is still alive, or has died within *Seven* Years; and if such further Notice of the Author's being alive be not renewed at the Expiration of each succeeding Twelve Months the Book shall be struck off the Lists at the End of *Seven* Years from the last further Notice.

As to Protection of Copyright, and Remedies against Piracy:

Pirated Copies of Works inserted in Lists prohibited.

31. The Importation into the British Dominions of pirated Copies of any Book or any Work of Art included in the Lists prescribed by Section 29. shall be prohibited, unless imported with the Sanction or Authority in Writing of the Proprietor or other Person upon whose Notice such Book or Work of Art shall have been inserted in such Lists; and all Copies imported contrary hereto shall be forfeited, and may be seized by an Officer of Customs or Inland Revenue, and shall become the Property of the Proprietor, and be delivered to him, if claimed by him within *Three* Months after such Seizure, and if not so claimed shall be destroyed; and the Importer thereof, if such Copy be imported for Sale, shall forfeit the Penalty of not more than *Five Pounds* in respect of every pirated Copy so imported, to be sued for and recovered by the said Proprietor in manner herein-after prescribed.

Custom HouseOfficer authorized to detain any Package suspected of containing pirated Copies.

32. In any Case where the Custom House Officer has reason to believe that any Package contains any such pirated Books or Works of Art, he may detain such Package (but shall not detain a Traveller's personal Luggage) till he has given Notice (which he is hereby authorized to do) to any of the Publishers of such Books or Works of Art whose Copyright he has reason to believe has been infringed thereby, or to any Person whom such Publishers may appoint, for the Purpose of examining such imported Copies, and if proved to be Piracies such Package and its Contents shall be forfeited, and the Importer thereof shall be subject in Penalty in manner mentioned in the immediately preceding Clause.

Remedy for wrongful Insertions.

33. If any Person shall deem himself aggrieved by any Entry made under colour of this Act in the said Register, or by the Insertion of any Literary Works, Painting, Drawing, Photograph, or other Work of Art in the aforesaid Lists, it shall be lawful for any Judge at Chambers, on the Application of the Person so complaining, to issue a Summons calling upon the Person upon whose Notice such Book or Work of Art shall have been entered in the said Register or inserted in the said Lists, as the Case may be, to appear before such Judge, at a Time to be appointed in such Summons, to show cause why such Entry in the said Register should not be expunged or varied, or why such Insertion in the said Lists should not be expunged; and such Judge shall at the Time so appointed proceed to hear and determine upon the Matter of such Summons, and make an Order therein (in Writing): Provided always, that if such Application relate to a wrongful First Publication of which any Party has availed himself to obtain an Entry in the said Register of a spurious Work, and it shall appear to such Judge with respect to such wrongful Publication, if in a Country to which the Author or First Publisher does not belong, and between which and this Country no Treaty of International Copyright subsists, that the Party making the Application was the Author or First Publisher, as the Case requires, or with respect to such wrongful First Publication, either in the Country where a rightful First Publication has taken place, or between which and this Country a Treaty of International Copyright does subsist, that a Court of competent Jurisdiction in any such Country where such wrongful First Publication has taken place has given Judgment in favour of the Right of the Party claiming to be the Author or First Publisher, such Judge shall make an Order for expunging or varying the Entry complained of, such Order, in any of the foregoing Cases, to be made with or without Costs, as to such Judge shall seem just; and upon Service of such Order, or a certified Copy thereof, upon the said Registrar, if the same shall relate to any Entry in the said Register, or upon the Commissioners of Customs, or their Secretary for the Time being, if the same shall relate to any Insertion in the said Lists, the said Registrar shall expunge, vary, or confirm the said Entry, or the said Commissioners shall expunge such Book from the said Lists, or retain the same therein, according to the Tenor of such Order; and in case such Book or Work of Art shall be expunged from such Lists in pursuance of any such Order, the Prohibition imposed by this Act in respect of the Importation of such Book or Work of Art shall thenceforth cease. If at the Time appointed in any such Summons the Person so summoned shall not appear before such Judge, then, upon Proof by Affidavit that such Summons, or a true

Proviso as to wrongful First Publication.

Costs at Discretion of the Judge.

Entry of Books to be expunged or varied according to Order.

If Party summoneddo not appear, Judge may

true Copy thereof, has been personally served on or left at the last known or usual Place of Abode of the Person so summoned, or transmitted by Post to him at such last known Place of Abode, or, in case the Person to whom such Summons was directed and his Place of Abode cannot be found, that due Diligence has been used to ascertain the same, such Judge shall be at liberty to proceed ex parte to hear and determine the Matter; but if either Party be dissatisfied with such Order, he may apply to the Superior Court of which such Judge is a Member to review such Order, and make such further Order thereon as such Court may see fit; and the Remedies provided by this Section shall be applicable to any Entry made in the Register Book of Stationers Hall, and of any Insertion in any such Lists publicly exposed by the Commissioners of Customs, prior to the passing of this Act.

proceed ex parte.

34. If any Person, not being the Proprietor of the Copyright in any Work of Literature or Work of Art wherein such Copyright shall be subsisting shall, without the Authority in Writing of such Proprietor, knowingly import, sell, publish, or expose, or have in his Possession for Sale or Hire, in any Part of the British Dominions, any pirated Copy of such Work, he shall forfeit the same, and also the Sum of *Five Shillings* in respect of every such Copy to the Proprietor of the Copyright; and every Person who shall have in his Possession the Stereotype Plates of any pirated Book, the Plate upon which any pirated Copy of any Print, Chart, or Map may be engraved, or any Mould or Die for the Manufacture of pirated Copies of any Sculpture, Model, or Cast, shall forfeit the same to the said Proprietor; or if any Person, not being the Proprietor for the Time being of Copyright in any Engraving, Print, Painting, Drawing, or Photograph, shall, without the Consent of such Proprietor, repeat, copy, colourably imitate, or otherwise multiply for Sale, Hire, Exhibition, or Distribution, or import into any Part of the United Kingdom, any Copy or Imitation of the said Work, for every such Offence he shall forfeit to the Proprietor of the Copyright a Sum not exceeding *Ten Pounds;* and all such Repetitions, Copies, and Imitations made without such Consent as aforesaid, and all Negatives of Photographs made for the Purpose of obtaining such Copies, shall be forfeited to the Proprietor of the Copyright.

Penalty for Importation or Sale, &c. of pirated Copies.

Infringement of Copyright.

35. No Person shall do or cause to be done any or either of the following Acts; that is to say,

First, no Person shall fraudulently sign or affix to or upon any Painting, Drawing, or Photograph, or the Negative thereof, any Name, Initials, or Monogram of a Person who did not

Penalties on fraudulent Productions and Sales.

execute or make such Work, or offer the same for Sale, Exhibition, or Distribution:

Secondly, no Person shall fraudulently utter or dispose of any Copy or colourable Imitation of any Painting, Drawing, or Photograph, or Negative of a Photograph, whether there shall be subsisting Copyright therein or not, as having been made or executed by the Author or Maker of the original Work from which such Copy or Imitation shall have been taken:

Thirdly, where the Author or Maker of any Painting, Drawing, or Photograph, or Negative of a Photograph, made either before or after the passing of this Act, shall have sold or otherwise parted with the Possession of such Work, if any Alteration shall afterwards be made therein by any other Person, by Addition or otherwise, no Person shall be at liberty, during the Life of the Author or Maker of such Work, without his Consent, to make or knowingly to sell or publish, or offer for Sale, such Work or any Copies of such Work so altered as aforesaid, or of any Part thereof, as or for the unaltered Work of such Author or Maker.

Penalties.

Every Offender under this Section shall, upon Conviction, forfeit to the Person aggrieved a Sum not exceeding *Ten Pounds*, or not exceeding *double* the full Price, if any, at which all such Copies, Engravings, Imitations, or altered Works shall have been sold or offered for Sale; and all such Copies, Engravings, Imitations, or altered Works shall be forfeited to the Person, or the Assigns or legal Representatives of the Person, whose Name, Initials, or Monogram shall be so fraudulently signed or affixed thereto, or to whom such spurious or altered Work shall be so fraudulently or falsely ascribed as aforesaid: Provided always, that the Penalties imposed by this Section shall not be incurred unless the Person whose Name, Initials, or Monogram shall be so fraudulently signed or affixed, or to whom such spurious or altered Work shall be so fraudulent or falsely ascribed as aforesaid, shall have been living at or within *Twenty* Years next before the Time when the Offence may have been committed.

Penalty for representing Dramatic or Musical Pieces.

36. Any Person who shall represent or perform any Copyright Dramatic Piece or Musical Composition, or any thing bearing the same Title or purporting to be the same, without the Consent of the Author or Proprietor of the sole Right of representing or performing the same, during the Continuance of such Right, shall forfeit to such Author or Proprietor the Sum of *Forty Shillings*, or the full Amount of the Benefit or Advantage arising from each such Representation or Performance, or the Amount of the Injury or Loss sustained by such Author or Proprietor, for whichever he shall

shall elect to proceed or sue, together with the Costs of such Proceeding or Suit.

Penalty for Piracy of Lectures.

37. If any Person shall during the Term of Copyright in any Lecture or Sermon, without the Leave of the Author thereof or his Assigns, by any means obtain or make a Copy thereof, or print or publish the same in any public Newspaper or otherwise, or shall sell or publicly expose any Copy thereof for Sale, knowing the same to have been obtained or printed or published without such Leave as aforesaid, every Person so offending shall forfeit to the Author or his Assigns every such pirated Copy found in his Possession, and *Five Shillings* for every Sheet thereof.

Penalties recoverable before Justices.

38. Any Penalty or Forfeiture imposed by this Act for Infringement of any Copyright protected by this Act, and given to the Proprietor of the Copyright in respect of which the same is incurred, may be prosecuted for or recovered by such Proprietor, together with Costs of recovering the same, summarily, before any Justice of the Peace or Magistrate for the County or Place in which the Offence shall have been committed, or in which the Offender shall reside, and in Scotland before any Sheriff of the County, whose Award shall be final, but without Prejudice to any Right of Action which the Proprietor may or might otherwise have had for any Damages consequent on this or any other Infringement of his Privilege of Copyright; and any Damages which such Proprietor may sustain from any Infringement of his Privilege of Copyright may be sued for by Action at Law, to be brought by him in any Court having Jurisdiction in that Part of the British Dominions in which the Offence shall have been committed or the Offender shall reside; and in every such Proceeding, if it relate to the Right of Representation or Performance of any Dramatic Piece or Musical Composition, it shall be sufficient for the Plaintiff to state that he has the sole Right, without stating that it is subject to any Right which he could or may have given to any other Person, not being the Defendant, to represent or perform the same: In any Action at Law for Damages the Defendant, on pleading thereto, shall give to the Plaintiff a Notice in Writing of any Objection on which he means to rely on the Trial thereof; and if he assert that the Plaintiff is not the Author or First Publisher of such Literary Work or Work of Art, or the Proprietor of the Copyright therein, or that some other Person was so, he shall specify in such Notice the Name of such other Person, together with the Title of the Literary Work or Description of the Work of Art, and the Time and Place of First Publication thereof; otherwise he shall not, at the Trial or Hearing of such Action, be

Damages may be sued for by Action at Law.

Defendant to give Notice of Objections.

allowed to give Evidence that the Plaintiff was not the Author or First Publisher of the Literary Work or Work of Art, or the Proprietor of the Copyright therein, or that any other Person was so; nor shall any Objection be allowed to be made or taken by or for the Defendant which shall not have been stated in such Notice; and on a Verdict being given for the Plaintiff he shall be entitled to recover his full Costs; and if any Action or Suit shall be commenced or brought against any Person for doing or causing to be done anything in pursuance of this Act, the Defendant in such Action may plead the General Issue, and give the special Matter in Evidence; and if upon such Action a Verdict shall be given for the Defendant, or the Plaintiff shall become non-suited or discontinue his Action, then the Defendant shall have and recover his full Costs, for which he shall have the same Remedy as any Defendant has by Law in any other Case: And all Actions, Suits, Bills, Indictments, or Informations for any Offence against this Act shall be brought, sued, and commenced within *Twelve* Months next after such Offence committed, or else the same shall be void; provided that such Limitation of Time shall not extend or be construed to extend to any Actions, Suits, or other Proceedings which, under the Authority of this Act, shall or may be brought, sued, or commenced for or in respect of any Copies or Books to be delivered for the Use of the British Museum.

Defendant may plead General Issue.

Limitations of Action.

Not to extend to Actions, &c. in respect of Delivery of Books.

39. The Proprietor of the Copyright in any Work of Literature or Art shall not be entitled to maintain any Action or Suit at Law or in Equity, or any summary Proceeding, in respect of any Infringement of such Copyright, unless he shall before commencing such Action have registered the same in manner prescribed for that Purpose; nor shall the Proprietor of any Translation of any Dramatic Piece be entitled to such Protection or Benefit unless such Translation be published within *Three* Months after the Registration of the Work of which it is a Translation: Provided always, that the Omission to register any Work of Literature or Art shall not affect the Copyright therein of the Proprietor thereof, nor shall such Omission as to any Dramatic Piece prejudice the Remedies which the Proprietor of the Right of Representation thereof may have by virtue of this Act.

Protection of the Act not to extend to unregistered Works.

Exceptive Proviso.

40. In case the Legislature or proper legislative Authorities in any British Possession shall make due Provision for securing or protecting the Rights of British Authors and Artists in such Possessions, by any Act or Ordinance, duly approved of by Her Majesty for that Purpose, Her Majesty may, if She think fit, thereupon issue an Order in Council declaring that so long as the Provisions of such Act

Her Majesty may suspend in certain Cases the Prohibitions against the Admission of pirated

Act or Ordinance continue in force within such Possession the Prohibitions and Provisions contained in this or any other Act relating to or for the Privilege of Copyright shall be suspended, so far as regards such Possession, and thereupon such Act or Ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council: Provided always, that no such Act or Ordinance shall be construed to authorize the Importation into the United Kingdom of any pirated Copies of any Work wherein Copyright may be subsisting in the United Kingdom, and if such pirated Copies shall be brought into the United Kingdom they shall be forfeited and destroyed, or returned to the British Possession from which they shall have been imported, as the Commissioners of Customs may direct. Books into the Colonies.

41. When Her Majesty shall have issued any Order or Orders in Council under the Authority of this Act, Her Majesty may, from Time to Time, revoke the whole or any Part thereof by any further Order. Her Majesty may, by Order in Council, revoke previous Orders.

42. Every Order in Council issued under the Authority of this Act, or to give effect to any Colonial Act or Ordinance relating to Copyright, duly approved by Her Majesty, shall, within *Fourteen* Days after the issuing thereof, be *twice* published in the "London Gazette." Orders to be published in the Gazette.

43. A Copy of every Order in Council issued under the Authority of this Act, and of every such Act or Ordinance, together with the Order in Council thereon, shall be laid before both Houses of Parliament within *Six* Weeks after issuing of such Order, if Parliament be then sitting, and if not then within *Six* Weeks after the Commencement of the then next Session of Parliament. And to be laid before Parliament.

44. To provide against the Suppression of Books of Importance to the Public, the Judicial Committee of Her Majesty's Privy Council, on Complaint made to them that the Proprietor of the Copyright in any Book, after *Twenty-five* Years from the Date of its First Publication, or after the Death of its Author, has refused to republish or to allow the Republication thereof, whereby such Book may be withheld from the Public, may grant a Licence to such Complainant to publish such Book, in such Manner and subject to such Conditions as they may think fit, and such Complainant may publish such Book accordingly. Judicial Committee of the Privy Council may license the Republication of Books which the Proprietor refuses to publish after Death of Author.

45. Nothing in this or any other Act relating to Copyright shall prevent the Importation into the United Kingdom, for Deposit in the Book containing Copyright Matter, if

also containing other original Matter, may be imported.

the Library of the British Museum, of single Copies of any Books which may consist in part of Matter in which any Copyright may subsist in the British Dominions, provided the same contain other and original Matter.

Extent of Act.

46. This Act shall extend to the United Kingdom of Great Britain and Ireland, and to every Part of the British Dominions, including the Islands of Guernsey, Jersey, Alderney, and Sark, and shall be registered in the Royal Courts of the Islands of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Commencement of Act. Short Title.

47. This Act shall come into operation on the Day of the *passing of this Act;* and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Copyright Consolidation Act, 1864."

Interpretation of Terms used in this Act:

Interpretation of Terms.

48. "Assigns" shall be construed to mean and include every Person in whom the Interest of the Author in any Copyright shall be vested, whether derived from such Author before or after the Publication of the Work, either by Sale, Gift, Bequest, Operation of Law, or otherwise:

"Author" shall, with reference to Prints, Sculptures, and other Works of Art, be deemed to include the Painter, Engraver, Designer, Inventor, and Maker thereof:

"Board of Trade" shall mean the Lords of the Committee of Privy Council for the Consideration of all Matters of Trade and Plantations:

"Book" shall be construed to mean and include every Volume, Part or Division of a Volume, Pamphlet, Sheet of Letterpress, Sheet of Music, together with all Maps, Charts, Prints, and other Embellishments and Illustrations forming Part of any Book, and referred to therein:

"British Dominions" shall mean and include the United Kingdom of Great Britain and Ireland, and all Colonies, Settlements, and Possessions of the Crown which now are or hereafter may be acquired:

"Contributions" shall include Essays, Poems, Tales, or other Articles inserted in Magazines or other periodical Works:

"Copyright" shall be construed to mean the sole and exclusive Liberty of printing or otherwise multiplying Copies of any Subject to which the said Word is herein applied:

"Dramatic

"DRAMATIC PIECE" shall be construed to mean and include every Tragedy, Comedy, Play, Opera, Farce, or other Scenic, Musical, or Dramatic Entertainment:

"FIRST PUBLICATION" shall mean first printing and circulating, or offering for Sale, of any Literary Work, and shall include First Representation, Performance, or Delivery of Dramatic Pieces, Musical Compositions, and Lectures, and First Exhibition or offering for Sale of any Statue, Painting, Engraving, Print, Map, or Photograph:

"LITERARY WORKS" or "Works of Literature" shall be construed to mean Books, Pamphlets, Dramatic Pieces, Musical Compositions, Lectures, and Sermons:

"PERIODICAL WORK" shall mean and include every Encyclopædia, Review, Magazine, or Work published in a Series of Volumes or in Parts or Numbers, or other periodical Work:

"PIRATED COPY" shall mean, with reference to any Work of Literature or Art in which Copyright subsists, any Copy of such Work printed or published or made without the written Authority of the Proprietor of such Copyright, and with reference to any Work of Literature or Art first published in any Foreign Country to which the Privilege of Copyright is extended, shall mean any Copy thereof printed, published, or made without the Sanction of the Proprietor of the Copyright therein, in any other Country than that in which such Work shall have been first published:

"PRINT" shall include Prints taken by Engraving, Lithography, or any other mechanical or scientific Process, by which any Objects or Paintings, or any Prints or Impressions of Drawings or Designs, are capable of being represented or multiplied indefinitely:

"PUBLISHER" shall include Publishers or Partnerships, although Changes should take place in the individual Members of the same after the Date of Registration:

"REGISTRAR" shall mean the Officer appointed by the Company of Stationers in London for registering Copyright Works:

"UNIVERSITIES AND COLLEGES" shall be understood to mean the Two Universities of Oxford and Cambridge in England and the Colleges or Houses of Learning within the same, the Four Universities in Scotland, and the Colleges of Eton, Westminster, and Winchester:

"WORKS OF ART" shall include Articles of Sculpture, Models, Paintings, Engravings, Drawings, Prints, and Photographs, or any Means by which the Representation of Objects may be given.

SCHEDULE A. of Acts repealed.

Date and Chapter.	Subject.	Extent of Repeal.
8 Geo. 2. c. 13. (1735)	An Act for the Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints by vesting the Properties thereof in the Inventors and Engravers during the Time therein mentioned.	The whole Act.
7 Geo. 3. c. 38. (1767)	An Act to amend and render more effectual an Act made in the Eighth Year of the Reign of King George the Second for Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints, and for vesting in and securing to Jane Hogarth, Widow, the Property in certain Prints.	The whole Act.
15 Geo. 3. c. 53. (1775)	An Act for enabling the Two Universities in England, the Four Universities in Scotland, and the several Colleges of Eton, Westminster and Winchester, to hold in perpetuity their Copyright in Books given or bequeathed to the said Universities and Colleges for the Advancement of useful Learning and other Purposes of Education; and for amending so much of an Act of the Eighth Year of the Reign of Queen Anne as relates to the Delivery of Books to the Warehouse Keeper of the Stationers Company for the Use of the several Libraries therein mentioned.	The whole Act.
17 Geo. 3. c. 57. (1777)	An Act for more effectually securing the Property of Prints to Inventors and Engravers by enabling them to sue for and recover Penalties in certain Cases.	The whole Act.
38 Geo. 3. c. 71. (1798)	An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned.	The whole Act.
41 Geo. 3. c. 107. (1801)	An Act for the further Encouragement of Learning in the United Kingdom of Great Britain and Ireland, by securing the Copies and Copyright of printed Books to the Authors of such Books or their Assigns for the Time herein mentioned.	The whole Act.
54 Geo. 3. c. 56. (1814)	An Act to amend and render more effectual an Act of His present Majesty for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts.	The whole Act.

Date and Chapter.	Subject.	Extent of Repeal.
3 Will. 4. c. 15. (1833)	An Act to amend the Laws relating to Dramatic Literary Property.	The whole Act.
5 & 6 Will. 4. c. 65. (1835).	An Act for preventing the Publication of Lectures without Consent.	The whole Act.
6 & 7 Will. 4. c. 59. (1836).	An Act to extend the Protection of Copyright in Prints and Engravings to Ireland.	The whole Act.
5 & 6 Vict. c. 45. (1842)	An Act to amend the Law of Copyright -	The whole Act.
7 Vict. c. 12. (1844) -	An Act to amend the Law relating to International Copyright.	The whole Act.
7 & 8 Vict. c. 73. (1845)	An Act to reduce, under certain Circumstances, the Duties payable upon Books and Engravings.	The whole Act.
9 & 10 Vict. c. 58. (1846).	An Act to amend an Act of the Seventh and Eighth Years of Her present Majesty for reducing, under certain Circumstances, the Duties payable upon Books and Engravings.	The whole Act.
10 & 11 Vict. c. 95. (1847).	An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom.	The whole Act.
15 Vict. c. 12. (1852)	An Act to enable Her Majesty to carry into effect a Convention with France on the Subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings.	The whole Act.
16 & 17 Vict. c. 107. (1853).	Customs Consolidation Act, 1853 - -	So much of Sect. 44. as prohibits the Importation of Books wherein Copyright subsists, and Sections 46. and 160.
18 & 19 Vict. c. 96. (1855).	The Supplemental Customs Consolidation Act, 1855.	Sections 39 and 40.
25 & 26 Vict. c. 68. (1862).	An Act for amending the Laws relating to Copyright in Works of the Fine Arts, and for repressing the Commission of Fraud in the Production and Sale of such Works.	The whole Act.

SCHEDULE B. to which the preceding Act refers.

No. 1.

FORM of REGISTER of ORIGINAL ENTRY of PROPRIETORSHIP required by Section 15. of this Act.

Date of Entry.	Title of Work.	Name of the Author, unless published anonymously; Name of the Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor.	Date of First Publication.

No. 2.

FORM of REGISTER of ASSIGNMENT or LICENCE required by Section 15. of this Act.

Date of Entry.	Title of Work.	Assignor or Grantor of Licence.	Assignor or Grantee.	Duration of Assignment.
	[*Set out the Title of the Work, referring to the Page of the Register Book in which the original Entry is made.*]			

No.

No. 3.

FORM of REQUEST to register a Work required by Section 19. of this Act.

I *A.B.* of do hereby certify, That I am the Proprietor of the Copyright of the Work hereunder mentioned, and I hereby require you to make Entry in the Register according to the Particulars under written.

Title of Work.	Name of the Author, unless published anonymously; Name of Publisher, and Place of Publication.	Date of First Publication.

Dated this Day of 18 .

Witness *C.D.*

(Signed) *A.B.*

To the Registrar appointed by the Stationers Company.

No. 4.

FORM of REQUEST and CONCURRENCE required by Section 20. of this Act.

I *A.B.* of require you to enter the Assignment of Copyright [*or* Licence to represent or perform, *as the Case may be*,] in the under-mentioned Work, from *C.D.* of to me for [*state whether for the whole Term of his Interest therein, or for any more limited Period*].

[*Here set out the Title of the Work, referring to the Page of the Register in which the original Entry is made.*]

Dated this Day of 18 .

(Signed) *A.B.*

I the above-named *C.D.* do hereby concur in the above Request.

(Signed) *C.D.*

To the Registrar appointed by the Stationers Company.

No. 5.

FORM of NOTICE of PROPRIETORSHIP of COPYRIGHT required by Section 29. of this Act.

I *A.B.* of do hereby give Notice, That the Proprietorship of the Copyright of the under-mentioned Book [*or* Books *or* Work of Art], a Certificate of the Registry whereof is hereunto annexed, is vested in the under-mentioned Party, and I claim that such Copyright may be inserted in the Lists to be made by the Commissioners of Her Majesty's Customs, pursuant to the "Copyright Consolidation Act, 1857."

Title of Work.	Name of Author.	Name of Proprietor of the Copyright.	Date when Copyright will expire, if Author be not then alive.

Dated this Day of 18 .

(Signed) *A.B.*

To the Commissioners of Her Majesty's Customs.

Copyright (No. 2.)

A

BILL

To consolidate and amend the Acts relating to Copyright in Works of Literature and the Fine Arts.

(*Prepared and brought in by Mr. Black, Mr. Stirling, and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 6 *April* 1864.

[Bill 59.]

Under 4 *oz.*

529

A

B I L L

TO

Amend the Law relating to Publication of Accounts of Corn imported, and to Returns of Purchases and Sales of Corn.

WHEREAS by the Act of the Session of the Fifth and Sixth Years of Her Majesty Queen Victoria (Chapter Fourteen), "to amend the Laws for the Importation of "Corn," Provision is made for the Publication of monthly Accounts of Corn imported, and of Matters connected therewith, and also for the Ascertainment from Time to Time of the average Prices of British Corn: Preamble. 5 & 6 Vict. c. 14.

And whereas the Duties assigned by that Act to the Officer thereby authorized to be appointed, called the Comptroller of Corn Returns, are now performed in a Department of the Office of the Board of Trade:

And whereas with a view to a Diminution of the Expense occasioned by the Publication of Accounts and Averages, and incurred in the Performance of the Duties of the Office of Comptroller of Corn Returns, it is expedient that the Provisions of the said Act be altered in some Particulars:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Parts of 5 & 6 Vict. c. 14.

1. From and after the Day of *One thousand eight hundred and sixty-four* the following Parts of the said Act shall be repealed; namely,—

Sections Seven, Ten, and Eleven:

So much as relates to the making, collecting, or transmitting of Returns of the Purchases and Sales of Rye, Pease, or Beans, or to the making up or computing of any average Prices of Rye, Pease, or Beans, or as provides or implies that, with reference to any Returns or average Prices, Rye, Pease, and Beans are comprised in the Term Corn as therein used:

So much as relates to Returns of Purchases and Sales of Corn in and from the Cities and Towns named in the Schedule to this Act:

And from and after the same Day, notwithstanding anything in the said Act, there shall be published weekly in the London Gazette only the aggregate weekly Averages of Prices of Corn, and not any Returns received from particular Cities and Towns.

Officer of Board of Trade to be Comptroller of Corn Returns.

2. For the Purposes of the said Act, and of every other Enactment now in force relative to the Comptroller of Corn Returns, and for all other Purposes, such Person employed in the Office of the Lords of the Committee of Her Majesty's Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations as shall be from Time to Time nominated in this Behalf by the Lords of the said Committee shall be the Comptroller of Corn Returns.

SCHE-

SCHEDULE of Cities and Towns to which this Act refers.

COUNTIES.	TOWNS.
Cheshire -	Congleton.
	Macclesfield.
	Stockport.
Lancaster -	Blackburn.
	Bury.
	Rochdale.
Derby - -	Chesterfield.
Nottingham -	Mansfield.
	Retford.
Leicester -	Loughborough.
	Hinckley.
	Lutterworth.
Northampton -	Peterborough.
	Daventry.
	Wellingborough.
	Kettering.
Warwickshire -	Warwick.
	Stratford-on-Avon.
Worcester -	Bromsgrove.
	Kidderminster.
	Stourbridge.
	Evesham.
Gloucester -	Cheltenham.
	Dursley.
	North Leach.
	Stroud.
Somersetshire -	Somerton.
	Shepton Mallet.
	Wellington.
	Wiveliscomb.
Monmouthshire	Newport.
Devonshire -	Oakhampton.
	Tiverton.
	Honiton.
Cornwall -	Falmouth.
	Callington.
	Liskeard.
	St. Columb.
Dorsetshire -	Poole.
Hampshire -	Christchurch.
Rutland -	Okeham.
Hereford -	Leominster.
	Hereford.
	Kington.
Shropshire -	Shrewsbury.
	Ludlow.
	Newport.
	Oswestry.
	Wellington.
	Wenlock.
	Whitchurch.
	Market Drayton.
Wiltshire -	Swindon.
	Devizes.
	Salisbury.
	Troubridge.
	Chippenham.
Staffordshire -	Stafford.
	Burton-on-Trent.
	Lichfield.
	Newcastle-under-Lyme.
	Stone.
	Uttoxeter.
	Walsall.
	Wolverhampton.
Hertfordshire -	Bishop Stortford.
	St. Albans.
	Hemel Hempstead.
	Hitchin.

COUNTIES.	TOWNS.
SURREY - -	Croydon.
	Kingston.
	Dorking.
ESSEX - -	Chipping Ongar.
	Saffron Walden.
	Braintree.
KENT - -	Chatham and Rochester.
	Dovor.
	Gravesend.
	Ashford.
SUSSEX - -	Brighton.
	East Grinstead.
	Battle.
	Arundel.
	Hastings.
	Midhurst.
	Shoreham.
BEDFORD - -	Leighton Buzzard.
	Luton.
BERKSHIRE -	Abingdon.
	Maidenhead.
	Newbury.
	Wallingford.
BUCKS - -	Buckingham.
	High Wycombe.
	Newport Pagnel.
OXFORDSHIRE -	Banbury.
	Henley.
	Witney.
	Chipping Norton.
CAMBRIDGE -	Newmarket.
NORFOLK	Swaffham.
LINCOLN - -	Burton on Humber.
	Bourne.
	Grantham.
	Grimsby.
	Horncastle.
	Market Raisin.
	Caistor.
	Alford.
	Holbech.
	Long Sutton.
YORK - -	Barnsley.
	Bedale.
	Bradford.
	Doncaster.
	Knaresborough.
	Pickering.
	Richmond.
	Ripon.
	Selby.
	Skipton.
	Thirsk.
	Rotherham.
	Otley.
	Thorne.
CUMBERLAND -	Wigton.
	Maryport.
	Workington.
WALES - -	Brecon.
	Mold.
	Bangor.
	Cowbridge.
	Newtown.
	Corwen.
	Welshpool.
	Llangefni.
	Llandillo.
	Knighton.
	Swansea.

Corn Accounts and Returns.

A

B I L L

To amend the Law relating to Publication of Accounts of Corn imported, and to Returns of Purchases and Sales of Corn.

(*Prepared and brought in by Mr. Milner Gibson and Mr. Hutt*).

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1864.

[Bill 214.]

Under 1 *oz.*

A

BILL

TO

Amend the Law relating to the giving of Security for Costs by Plaintiffs resident out of the Jurisdiction of the Courts.

WHEREAS it is expedient to amend the Law relating to the giving Security for Costs by Plaintiffs suing in the Superior Courts of Law at Westminster and Dublin who reside in Parts of the United Kingdom beyond the Jurisdiction of the Courts in which their Actions are brought: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,) Preamble.

1. This Act may be cited upon all Occasions and for all Purposes as "The Security for Costs Act, 1864." Short Title.

2. Whenever any Plaintiff suing after the *passing of this Act* in any of the Superior Courts of Common Law at Westminster or Dublin shall be resident in any Part of the United Kingdom beyond the Jurisdiction of the Court in which he sues, such Plaintiff may, if he shall so think fit, in lieu and instead of giving Security for Costs, give Undertaking may be given instead of Security for Costs.

give an Undertaking under this Act in manner herein-after mentioned to pay all such Costs in the Action brought by him as he may be ordered or adjudged to pay by any Order of any Judge or Order or Judgment of the Court.

Undertaking may be given in Writing or in Court.

3. Such Undertaking may be in Writing in the Form in the Schedule to this Act annexed, and may be signed by the Plaintiff or his Attorney, and filed in the proper Office of the Court, or may be given in open Court by the Plaintiff, his Counsel or his Attorney; and any Undertaking so given shall be enforceable against such Plaintiff in all Parts of the United Kingdom in manner herein-after mentioned.

Judge to give Certificate of Costs.

4. Whenever any Undertaking shall have been so given in any Action by or on behalf of any Plaintiff under this Act, and any Costs in such Action shall be awarded or adjudged to be paid by the said Plaintiff by any Order or Judgment of the Court, or by any Order of any Judge having Authority in that Behalf, it shall be lawful for the Person to whom such Costs are ordered or adjudged to be paid to obtain from the Court in which the Action has been brought, or from any Judge thereof, under the Seal of the Court or the Hand of such Judge, a Certificate stating that such Undertaking has been given by the Plaintiff under this Act in an Action brought by him in such Court, and that Costs have been awarded and adjudged to be paid by the said Plaintiff, and stating the Amount of such Costs, and the Person to whom they are to be paid; and the Person to whom such Costs are awarded to be paid shall be entitled, upon producing such Certificate, in the Case of a Certificate of an English Court or Judge to any Judge of One of the Superior Courts of Common Law at Dublin, or of the Court of Session in Scotland, to obtain, immediately and without Notice to the Defendant, an Order that such Costs shall be forthwith paid; and in the Case of a Certificate of an Irish Court or Judge, he may in like Manner, upon producing such Certificate to a Judge of One of the Superior Courts of Common Law at Westminster, or of the Court of Session in Scotland, obtain an Order that such Costs shall be paid forthwith.

Order to have Effect of Judgment, or enforced by Process of Contempt.

5. Every Order so made by any Judge in pursuance of such Certificate shall be entitled in the Court of which the Judge making same shall be a Judge, and shall be deemed and taken to be an Order of such Court, and may be enforced by all such Process and Execution as might have been used for the Recovery of such Costs if the same had been originally ordered or adjudged to be paid by the Order or Judgment of such Court, and shall have for all Purposes of such Process and Execution, and of charging any Land or other Property, the Force and Effect of a Judgment of such Court,

Court, and every such Order may also, at the Desire of the Party to whom the Costs are awarded to be paid, be enforced by Process of Attachment for Contempt according to the Course and Practice of the Court as if the Undertaking to pay such Costs had been originally given in such Court.

After Undertaking, no Order for Security to be made.

6. When any Plaintiff residing within the United Kingdom shall have given, by himself, or his Counsel or his Attorney, the Undertaking to pay herein-before mentioned, no Order shall be made requiring such Plaintiff to give Security for Costs or staying his Proceedings until such Security for Costs shall be given, on the Ground that he is resident beyond the Jurisdiction of the Court.

Act not to interfere with General Law as to Security for Costs.

7. Nothing herein contained shall in any Manner affect or interfere with the Right of any Plaintiff or Defendant to require or obtain Security for Costs from any Defendant or Plaintiff residing beyond the Limits of the United Kingdom in the same Manner as if this Act had not been passed, or be deemed in any Manner to alter, vary, or affect the Law or Procedure of any Court as to the requiring Security for Costs, except so far as herein is expressly made and declared.

SCHEDULE.

In the Common Pleas, England (*or as the Case may be*).

Between *A.B.*, Plaintiff, and *C.D.*, Defendant.

In accordance with the Provisions of the Security for Costs Act of 1864, the Plaintiff hereby undertakes to pay all such Costs as he may be directed or adjudged to pay by any Order of a Judge or Order or Judgment of the Court in this Cause.

A.B., Plaintiff.
or
Henry Jones, Attorney
for Plaintiff.

Costs Security.

A

BILL

To amend the Law relating to the giving of Security for Costs by Plaintiffs resident out of the Jurisdiction of the Courts.

(*Prepared and brought in by Mr. Butt and Mr. Murray.*)

Ordered, by The House of Commons, *to be Printed,* 18 *March* 1864.

[Bill 58.]

Under 1 *oz.*

A

BILL

TO

Settle an Annuity on Mary Louisa Countess of Elgin and Kincardine, in consideration of the distinguished Services performed by the late James Earl of Elgin and Kincardine.

Most Gracious Sovereign.

WHEREAS Your Majesty, by Your most gracious Message, hath been pleased to signify that Your Majesty, taking into consideration the distinguished Services performed throughout a long Series of Years by the late James Earl of Elgin and Kincardine, Your Majesty's Viceroy and Governor General of India, and being desirous, in Recognition of such Services, to confer some signal Mark of Your Favour upon his Widow, Mary Louisa Countess of Elgin and Kincardine, recommended to Your faithful Commons the Adoption of such Measures as might be necessary for the Accomplishment of that Purpose: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. An Annuity of *One thousand Pounds* shall be paid to Louisa Countess of Elgin and Kincardine, Widow of the late James Earl of An Annuity of 1,000*l.* to be paid to

 of

Mary Louisa Countess of Elgin and Kincardine for her natural Life.

of Elgin and Kincardine, for her natural Life; and the said Annuity shall be deemed to have commenced and taken effect upon the *Twenty-first Day of November One thousand eight hundred and sixty-three*, and the First Payment of a proportionate Part thereof respectively for the Period from such Commencement thereof to the Fifth Day of April One thousand eight hundred and sixty-four shall be due on the said Fifth Day of April One thousand eight hundred and sixty-four; and the said Annuity shall thereafter be due quarterly on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year; and such Annuity shall be payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing Produce thereof, (after paying or reserving sufficient to pay all such Sums of Money as have been directed to be paid out of the same by former Acts of Parliament, but with Preference to all other Payments which shall hereafter be charged upon and payable out of the said Fund,) and the Receipts of the said Louisa Countess of Elgin and Kincardine, or of such other Person as may be duly authorized and appointed by the said Louisa Countess of Elgin and Kincardine to receive the same, shall be good and sufficient Discharges for the Payment thereof; and the said Annuity shall be free and clear from all Taxes, Rates, and Assessments, and all other Charges whatsoever, except Income Tax.

Treasury to direct Payment of the Annuity.

2. It shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby authorized and required, by Warrant or Warrants under their Hands, to direct the Payment of the said Annuity according to the Provision herein-before contained.

Countess of Elgin and Kincardine's Annuity.

A

B I L L

To settle an Annuity on Mary Louisa Countess of Elgin and Kincardine, in consideration of the distinguished Services performed by the late James Earl of Elgin and Kincardine.

(*Prepared and brought in by Mr. Massey, Viscount Palmerston, and Mr. Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1864.

[Bill 156.]

Under 1 *oz.*

21 *April* 1864. 27 VICT.

A

BILL

TO

Provide for the Erection of County Bridges in England and Wales.

WHEREAS it is expedient to confer upon Justices of the Peace for Counties in England and Wales assembled at General or Quarter Sessions, Power to erect Bridges over Rivers, Brooks, or Streams of Water crossing any Public Highways within their Jurisdiction: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after *the passing of this Act*, upon Presentation to the Justices of any County, Riding, or Division of a County at any General or Quarter Sessions or Adjourned Sessions of a Memorial or Representation in Writing from *Two* or more of the Inhabitants of any Parish or Place within the Jurisdiction of such Justices, or from any District Highway Board formed under the Provisions of the Statute of the Twenty-fifth and Twenty-sixth Years of Victoria, Chapter Sixty-one, intituled "An Act for the better Management of Highways in England," to the effect that any River, Brook, or Stream of Water crossing any Public Highway wholly or in part within such Parish or Place, is of such an Extent and in such State and Condition in the Opinion of the Memorialists as to render the Upon Memorial to Quarter Sessions, Justices to direct Surveyor to inspect and report.

Erection of a Bridge necessary for the Safety or for the Convenience of the Public, it shall be lawful for such Justices, if they shall so think fit, to direct their Surveyor of County Bridges to inspect the said River, Brook, or Stream, and to present a written Report of its State and Condition, and of his Opinion as to the Necessity or Expediency of erecting a Bridge over the same, to the then next General or Quarter or Adjourned Sessions.

Justices to be deputed to inquire.

2. If the Majority of Justices present at the said Sessions shall be of opinion that reasonable Cause is shown for further entertaining the Question, it shall be lawful for such Court of General or Quarter or Adjourned Sessions, if they shall so think fit, to nominate and depute *Four* Justices of the said County, Riding, or Division, *Two* of whom shall be Justices residing within the Petty Sessional Division, including the Parish or Parishes in which a Bridge is alleged to be required, and *Two* from some other Petty Sessional Division of the said County, Riding, or Division, to visit and inspect the said River, Brook, or Stream, and to make such Enquiries respecting the same as they shall think fit.

Order for Construction of Bridge.

3. If such Justices, or *Three* of them, shall certify in Writing that in their Opinion it is necessary for the proper Convenience and Accommodation of the Public using the Road that a Bridge should be erected over such River, Brook, or Stream, then it shall be lawful for the said Court at which such Certificate shall be presented, or any Adjournment thereof, if it shall so think fit, to order and direct that a Bridge of proper Dimensions, with suitable Approaches and all necessary Fences, shall be constructed and made by and at the Expense of the said County, Riding, or Division, the Plan and Method of constructing such Bridge, and the Time within which the same shall be constructed, to be in the Discretion and under the Order in all respects of the said Court, Notice of which said Order shall be advertised *Once* at least in *One* of the County Newspapers.

Expenses to be chargeable to County Rates.

4. From and after the Publication of such Order as aforesaid, all Expenses of and connected with the Construction of such Bridge shall be a Charge upon the Rates of such County, Riding, or Division, in the same Proportions and Manner as all other general Expenses legally chargeable upon or against the said County, Riding, or Division, and be levied and paid accordingly.

Short Title.

5. This Act may be cited as the "County Bridges Construction Act, 1864."

County Bridges.

A

B I L L

To provide for the Erection of County Bridges in England and Wales.

(*Prepared and brought in by Mr. Heygate, Mr. Evans, and Mr. Hartopp.*)

Ordered, by The House of Commons, *to be Printed,* 21 *April* 1864.

[Bill 77.]

Under 1 *oz.*

A

B I L L

FOR

Amending the Law relating to the Superannuation of the County Constabulary.

WHEREAS the County of Lincoln is divided into Three Divisions, called respectively the Parts of Lindsey, the Parts of Kesteven, and the Parts of Holland, and every of the said Divisions has a separate Commission of the Peace: And whereas by the Twenty-second Section of the Act of the Session of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, Chapter Thirty-two, it is enacted, that after the passing of that Act the Superannuation Fund of the said County shall be One common Account so long as the Police Force for the said County of Lincoln shall be under the Direction of One Chief Constable for the Three Divisions, but if the said Force shall thereafter be separated under different Chief Constables, in that Case it shall be lawful to divide the said Superannuation Fund in proportion to the Number of Men for each Division of the said County of Lincoln at that Time serving in the said Force, the said Superannuation Fund to be under the Management of the joint Committee for the Three Divisions, and invested by them from Time to Time: And whereas notwithstanding the said Enactment the said Three Divisions are considered as separate Counties, so far as respects the Service of the Police therein, and any Constable of Preamble.

the Lincolnshire Police Force, if removed from one of the said Divisions to the other, is not, for the Purpose of Superannuation, entitled to reckon the Time during which he has served as Constable in the Division from which he is removed: And whereas it is expedient to amend the Law so far as relates to the Service of Constables of the said Force: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Parts of Lincolnshire to be one County for Purposes of Service in Police.

1. So long as the Police Force of the County of Lincoln continues under the Superintendence of one and the same Chief Constable, the said Three Divisions of the said County shall, for the Purpose of the Superannuation of the Members of that Force, be taken to be One County, and any Police Constable who may be or has been promoted or removed from one of the said Divisions to another, shall, for the Purposes of Superannuation, be entitled to reckon as Service the whole Time he has served in any of the said Divisions.

Retrospective Operation of Act.

2. This Act shall take effect in all respects as if it had been passed at the same Time at which the said Act of the Session of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty was passed.

Short Title of Act.

3. This Act may be cited for all Purposes as The County Constabulary Service Act, 1864.

County Constabulary Superannuation.

A

B I L L

For amending the Law relating to the Superannuation of the County Constabulary.

(*Prepared and brought in by Sir John Trollope and Colonel Packe.*)

Ordered, by The House of Commons, *to be Printed*, 8 *June* 1864.

[Bill 136.]

Under 1 *oz.*

23 *February* 1864. 27 Vict.

A

BILL

TO

Extend the Franchise in Counties in England and Wales.

WHEREAS it is expedient to extend the Elective Franchise to many of Her Majesty's Subjects who have not heretofore enjoyed the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the *passing of this Act*, every Male Person, of full Age and not subject to any legal Disability, who occupies, as Owner or Tenant, any Land or Tenement situate without the Limits of any City or Borough entitled to return a Burgess or Burgesses to Parliament of the clear yearly Value, or for which he is liable to a clear yearly Rent, of not less than *Ten Pounds*, and comprising a House of the clear yearly Value of not less than *Six Pounds*, shall be entitled to vote in the Election of a Knight or Knights of the Shire to serve in any future Parliament for the County, Riding, Part, or Division of the County in which such "Land" or "Tenement" is situate: Occupiers of 10*l.* a Year, comprising a House of 6*l.*, entitled to vote in Elections for Counties.

But no such Occupier shall be so entitled to vote unless he be duly registered as such Voter, nor shall be entitled to be so registered Occupiers must be registered, and must,

before Registration, have occupied for Six Calendar Months next before the last Day of July.

registered in any Year unless he have occupied such "Land" or "Tenement" of such Value or at such Rent as aforesaid for *Six Calendar Months* at least next before the last Day of *July* in such Year.

This Act to be construed as One Act with 2 & 3 W. 4. c. 45., and 6 & 7 Vict. c. 18.

2. The Act passed in the Second Year of King William the Fourth, to amend the Representation of the People in England and Wales, and the Act passed in the Sixth Year of Her present Majesty's Reign, to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales, and the present Act, shall be construed as One Act.

County Franchise.

A

BILL

To extend the Franchise in Counties in England and Wales.

(*Prepared and brought in by Mr. Locke King and Mr. Hastings Russell.*)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1864.

[Bill 33.]

Under 1 *oz.*

County Voters Registration Bill.

ARRANGEMENT OF CLAUSES.

PREAMBLE.

Sections.

1. Repeal and partial Repeal of Act 6 Vict. c. 18., and the other Provisions thereof to be applicable to the Purposes of this Act.
2. Register next to be formed by Clerk of the Peace to be made out and printed in new Form.
3. Clerk of the Peace to make Arrangements for carrying out this Act, and to have Forms of Precepts, &c. printed.

May 1st - To send Precept with Copy of the Register and Forms to Overseers.

Correction of the Register.

4. Overseers to make Correction on the Copy of the Register.
   Overseers empowered to object.
   To add the Word "dead."
   To prepare a Duplicate of corrected Copy of the Register, with marginal Additions, and deliver the same to the Clerk of the Peace.

Between May 1st and 10th. 5. Any Person on the Register may give Notice of Errors of Description.
   Overseers to make Inquiry thereon.

Supplemental List of Persons entitled.

6. Overseers to make out Supplemental List.

June 1st - To prepare Duplicate thereof, and deliver same to the Clerk of the Peace.

Lists to be prepared, and published with Notice.

7. Clerk of the Peace to prepare annotated Copy of the Register for Publications.
   Where Corrections required, Note of Interrogation (?) to be placed in the Margin.
   If Voter be non-resident, marginal Notes to be placed also in Addenda Lists.

8. Clerk of the Peace to correct Supplemental List for Publication.

9. If Lists not duly received, further Copies to be required of the Overseers.

June 18th - 10. Copies of the annotated Register to be prepared, and Supplemental Lists and Notices to be printed, and to be transmitted to Overseers, for Publication and Sale, together with a Copy of Instructions No. 3. Schedule A.
Proviso where no duplicate corrected Copy has been received by Clerk of the Peace.

June 20th - 11. Overseers to publish Lists with the Notice to the Public.

Claimants to send Notice to Overseers.

July 20th - 12. Persons not upon the Register or Supplemental List to give Notice of Claim.
If not resident within the County, Claimant may notify Polling Place.

13. Overseers to mark Errors and Objections on Notices of Claim, and to transmit same to Clerk of the Peace.

Notices with Extracts from the Register to be sent to Voters.

June 1st and August 1st. } 14. Extract from the Register to be sent to all Out-Voters once in every Three Years for Correction.

June 30th - 15. Notice to be sent to Persons objected to by the Overseers, and also Notice to Persons whose Descriptions on the Register require to be corrected.

List of Claimants to be formed and published.

July 31st - 16. List of Claimants to be formed.
Clerk of the Peace may require Particulars to be amended.

17. Copies to be printed and published.
Proviso that List of Claimants may be formed for Polling Districts or Parts thereof..

List of Voters.

18. The Copy of the Register and Supplemental List, with the List of Claimants, to be deemed to be the List of Voters.

Objections

Objections by registered Electors.

19. Any Person on the Register may object to any other Person, but only on the Ground of personal Incapacity or on the Merits of the Qualification.

August 15th - Notice to be given to Party objected to.
Notice to the Tenant in certain Cases.
Notice to the Clerk of the Peace.

20. Notice to specify the Ground or Grounds of Objections.

August 20th - 21. List of Objections to be formed and published.

Statutory Declaration by Persons objected to.

22. Any Person objected to may make a Statutory Declaration. Declaration to be filed with the Clerk of the Peace, and Notice thereof to be given to the Objector.

23. Declarations to be open to Inspection by Objector.
Objector may thereupon withdraw Objections, on giving Notice thereof.

Revision Courts.

August 25th - 24. Abstract of Lists and Information to be transmitted to Revising Barristers.

25. True Copy of the Register, with Annotations, marginal Additions and Corrections, for every Parish, to be prepared for the Revising Barrister.

September 15th to October 31st. 26. Clerk of the Peace to attend the First Court, and deliver Lists and Registers.
Deputy or Assistant to attend each Court of Revision, and produce Notices, Declarations, &c.
Overseers to attend the Court holden to revise the List for their Parish, and produce Rate Books.

Mode of proceeding at the Revision Courts.

27. Correction of the Copy of the Register by Barrister.
Where Mark of Interrogation is placed in the List, and no Return is made, Barrister may correct the same upon Information.
When unable to correct, the Mark (?) and the Initials of the said Barrister to be printed in the Register, and the Name to be expunged at the following Revision.

28. Revision

28. Revision of the Supplemental List by Barrister.
(1.) Inquiry to be made as to any present Registration.
(2.) Certain imperfect Entries to be expunged.
(3.) To examine Overseers as to Grounds for placing Names in the List, and to expunge Names where not satisfied with the Evidence.

29. Revision of the List of Claimants by Barrister.
Claimants omitted from the List may be inserted by the Barrister.

30. Proceedings on Objections.
By Overseers.
By registered Electors.
When Names to be expunged.

31. General Powers to Barrister on Revision of the Lists and Correction thereof.
Where the Word "dead" appears opposite the Name of any Person, Barrister to require Evidence of the Overseer of the Death.

32. Provision as to duplicate Entries.

33. Persons not resident within the County may select any Polling Place, by Claim before the Barrister in Writing.
Correction of Addenda Lists.

34. Barrister in open Court to decide on the Right of Persons to be registered, and to sign Lists.

Costs on groundless Claims and Objections.

35. Costs against Claimants in certain Cases.

36. Costs against Objectors to Electors on the Register.
Costs against Objectors to Persons on the Supplemental List or on the List of Claimants.

37. Costs where Statutory Declaration shall have been made.

38. Order to be in Writing.

Formation of the Register of Electors.

39. Revised Lists to be transmitted to the Clerk of the Peace.
Register to be formed.
Form of Parish Lists.
Polling Places of non-resident Voters to be entered in Right-hand Margin.
Entries in Addenda Lists.
Out-Voters Polling List.
Overseers to render Assistance in forming Addenda Lists.

40. Arrange-

40. Arrangement of List in Register, and how Register Numbers are to be prefixed.
Register to be paged, and Index to Parishes formed.
41. Form in which Register to be printed.
December 31st Clerk of the Peace to sign and deliver Copy to the Sheriffs.

Register and Polling.

January 1st 42. Register to be in force for One Year.
Copies to be kept for the Purposes of Registration and Sale.
43. Sheriff to make Provision for taking Votes, in accordance with this Act.

General Provisions.

44. The Provisions of the 100th Section 6 Vict. c. 18. to apply to all Notices under this Act.
45. How Notices may be served on Overseers, and on Clerk of the Peace.
Notices by Clerk of the Peace.
46. Clerk of the Peace and Overseers to keep Copies of Lists for Sale.
47. Provision for safe Transmission of Lists.
48. Power for Barrister to require Attendance of Persons having Custody of Poor Rate.
49. Expenses of the Clerk of the Peace.
50. Expenses of the Overseers.
51. Interpretation Clause.
52. Short Title.

SCHEDULES.

SCHEDULE A.

1. Precept of the Clerk of the Peace to the Overseers (of Parishes *not* within the Limits of Parliamentary Boroughs).
2. Precept of the Clerk of the Peace to Overseers (of Parishes within the Limits of Parliamentary Boroughs).
3. Instructions, with Lists and Notice for Publication.
4. Instructions from Clerk of the Peace, with Lists of Claimants and List of Persons objected to.

SCHEDULE B.

1. Form of Register Lists.
2. Form of Out-Voters Polling List.
3. Form of Supplemental List of Persons not already on the Register.
4. Notice of Errors of Description in Entries in the Register.
5. Notice to the Public.
6. Notice of Claim.
7. Notice to Clerk of the Peace to amend Description.
8. Notice of Overseer's Objection.
9. Notice, with Extract from the Register, to be sent by the Clerk of the Peace.
10. Form of List of Persons claiming (Form A.)
    Form of List of Persons claiming (Form B.)
11. Notice of Objection to be given to Parties objected to [and to the occupying Tenant].
12. Notice of Objection to be given to the Clerk of the Peace.
13. Form of List of Persons objected to.
14. Form of Statutory Declaration.
15. Notice of filing Statutory Declaration with the Clerk of the Peace.
16. Withdrawal Notice to the Clerk of the Peace.
17. Withdrawal Notice to the Party objected to.

SCHEDULE C.

Extent of Repeal of the Act 6 Vict. c. 18.

A

B I L L

TO

Amend the Law for the Registration of County Voters in England and Wales.

WHEREAS it is expedient to amend the Law for the Registration of Electors for Counties in *England* and *Wales*, to afford increased Facilities for the Registration and voting of Persons entitled to vote, to provide for the proper Formation of the Lists of Voters, and to make further Provisions for the annual Revision of the Registers of Electors in Counties: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. So much of the Act passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act to amend the Law for the "Registration of Persons entitled to vote, and to define certain "Rights of voting, and to regulate certain Proceedings in the "Election of Members to serve in Parliament for England and "Wales," as is specified in the First Column of Schedule C. to this Act, shall be and is hereby repealed, and that so much of the said Act as is specified in the Second Column of the said Schedule shall be and is hereby repealed, so far as the same is now applicable and refers to Proceedings in the Registration of Electors for Counties; Repeal and partial Repeal of Clauses in Act 6 Vict. c. 18.

and in all other respects the said Act and this Act shall be construed together as One Act.

Register next to be formed by Clerk of the Peace to be made out and printed in new Form.

2. The Clerk of the Peace of every County shall, from and after the *passing of this Act*, make out and form the Register and arrange and print the Names in the Lists for every Parish and Township after the Manner and in the Forms Nos. 1 and 2 in Schedule B. according to the Provisions herein-after set forth, and the Register of Persons entitled to vote for every County and Division of a County next to be formed and printed by the Clerk of the Peace from the Lists of Voters revised under the Provisions of the said recited Act on or before the Thirtieth Day of November next shall be made out therefrom by the said Clerk of the Peace, and printed within the Time and in the Form and Manner prescribed by this Act, as though the said Lists had been revised under the Provisions thereof; and the Register of Electors for every County in force at the *passing of this Act* shall remain and continue in Force until after the *last Day of December* in the present Year, anything to the contrary in the said recited Act notwithstanding.

Clerk of the Peace to have Forms of Precepts, &c. printed.

3. The Clerk of the Peace for every County shall immediately after the *passing of this Act* make suitable Provision for the full and proper Execution of his Duties in carrying out the Provisions of this Act, and shall in proper Time cause a sufficient Number of Forms of Precepts, Instructions, Notices, and Lists to be printed according to the respective Forms numbered 1, 2, 3, 4 in Schedule A., and numbered 3, 5, 6, 7, 8, and 9 in Schedule B. to this Act annexed, and shall, on some Day between the *Fifteenth Day of April* and the *First Day of May* in every Year, make and cause to be delivered to the Overseers of the Poor of every Parish and Township within his County his Precept according to the Forms Nos. 1 and 2 in Schedule A., as the same are respectively applicable, together with Two Copies at least of such Part of the Register in force for such County as shall relate to each such Parish or Township, and a sufficient Number of Copies of the Form of Supplemental List No. 3, Schedule B.

Clerk of the Peace to issue his Precepts with Forms of Lists to the Overseers.

Overseers to mark Corrections on Copy of the Register.

4. The Overseers of the Poor of every Parish and Township shall, upon the Receipt of such Precept, Lists, and Forms, forthwith mark all Corrections necessary to be made in the said Copy of the Register in force according to the Instructions set forth in the said Precept; and if the said Overseers are not satisfied of the Correctness or Completeness of any Entry therein, they shall make Inquiry in every such Case, with the Assistance of the

Collector

Collector or Collectors of Poor Rates, and notify in such Copy all Errors of Description found therein according to the said Instructions; and the said Overseers, if they shall have reasonable Cause to believe that any Person whose Name shall appear in the said Copy of the Register is not entitled to have his Name upon the Register then next to be made, shall add the Word "objected," and also the Ground of their Objection, opposite to the Name of every such Person, in the Margin of such Copy of the Register, and shall also add the Word "dead" before the Name of any Person whom the said Overseers shall have reasonable Cause to believe to be dead; and the said Overseers shall make a Duplicate thereof, with all such Corrections and marginal Additions, and shall sign both such annotated Copies of the Register; and the said Overseers shall safely keep in their Possession the original annotated Copy of the Register, to be produced to the Revising Barrister at the Revision of the List of Voters; and shall on or before the *First Day of June* deliver or transmit the said duplicate annotated Copy, signed as aforesaid, to the Clerk of the Peace, together with the Supplemental List herein-after mentioned.

Overseers empowered to object; and add the Word "dead." Overseers to prepare a Duplicate corrected Copy of the Register and deliver the same to the Clerk of the Peace.

5. For further ensuring Correctness of the Register, any Person upon the Register for the Time being may, between the *First and the Tenth Days of May*, give Notice to the Overseers according to the Form No. 4 in the Schedule B., directing Attention to Omissions or Errors of Description in any Entry or Entries in the List for the Parish to which such Notice is sent, and such Person shall state in the said Notice in what Particular such Entry or Entries require Correction; and the Overseers shall thereupon make Inquiry, so far as they are able, whether such Entry or Entries be or be not correct, and shall notify the Result upon the Notice so received, and state whether they deem such Corrections or any Corrections necessary to be made or not, and they shall note the same in the Copy of the Register and in the duplicate Copy thereof to be returned to the Clerk of the Peace, and all such Notices shall be transmitted by them to the Clerk of the Peace.

Any Person on the Register may give Notice of Errors of Description. Overseers to make Inquiry thereon.

6. The Overseers of the Poor of every Parish and Township shall on or before the *First Day of June* make out on the Forms received from the Clerk of the Peace (No. 3 in Schedule B.) a Supplemental List of all Persons whose Names do not appear upon the Copy of the Register in force received from the said Clerk of the Peace (or being thereon have ceased to possess the Qualifications for which they were registered) whom they have reasonable Cause to believe, from the Information afforded by the Rate Books, in conjunction with any Information derived from other Sources, to be qualified

Overseers to make out Supplemental List.

according to Law and entitled to be registered in respect of their Interests in or for the Occupation of Lands or Tenements situate wholly or in part within such Parish or Township respectively; and the said Overseers shall form such List in the Manner and according to the Instructions contained in the said Precept, and shall sign such List, and keep the same in their Possession, to be produced to the Revising Barrister; and the said Overseers shall prepare a duplicate Copy thereof, and deliver or transmit the same to the said Clerk of the Peace, with the duplicate annotated Copy of the Register, as herein-before provided.

To prepare Duplicate thereof, and deliver same to the Clerk of the Peace.

Clerk of Peace to prepare annotated Copy of the Register for Publication.

7. The Clerk of the Peace shall examine the duplicate Copy of the Register delivered to him as aforesaid for every Parish, Township, and Place, and shall prepare therefrom the annotated Copy of the Register for Publication and Sale, in manner following: In the Left-hand Margin of a true Copy of the Register for such Parish or Township the said Clerk of the Peace shall write or stamp the Word "objected" or "dead" opposite to the Name of every Person, as the same appears written in the said duplicate Copy, and shall in like Manner place the Word "objected" against the Name of every Person where the Information received from the Overseers, as set forth in the said duplicate Copy, if true, would, in the Judgment of the said Clerk of the Peace, constitute a valid Objection to such Person's Name being inserted in the Register next about to be formed, and shall also place in the said Margin the Mark of Interrogation "(?)" opposite to the Name of every Person in whose Entry Errors of Description or Correction shall have been noted in the said duplicate Copy received from the Overseers; and if the said Words "objected" and "dead" or the said Mark of Interrogation shall be placed against any Entry printed in Italics, as herein after provided, in the said List, the said Words "objected" and "dead," and the Mark of Interrogation, shall also be placed opposite to the corresponding Entry in the Addendum to the Parish or Township List wherein the same is inserted, or in the Out Voters Polling List respectively; and if the said Overseers shall have marked any Objection or Correction against any Entry in the Addendum to the List for their Parish or Township, the Clerk of the Peace shall place the Words "objected" and "dead," and the Mark of Interrogation respectively, also against the original Entry in the List for the Parish or Township in which the Qualification is situate, and to which the said Entry refers.

Where Corrections required, Mark of Interrogation to be placed in the Margin.

If Voter be non-resident, marginal Notes to be placed also in Addenda Lists.

Clerk of the Peace to correct Supplemental List for Publication.

8. The Clerk of the Peace shall correct and complete the Supplemental List for every Parish and Township delivered to him by the Overseers as aforesaid, where any technical Errors or Omissions

Omissions of Description shall in his Judgment require Correction and Amendment, and shall place in the Left-hand Margin the Mark of an Asterisk (*) opposite to every Entry on the Face of which there are Omissions of essential Particulars, or an imperfect Statement of the Qualification, and which the said Clerk of the Peace, from the Information before him, may be unable to supply, amend, or correct.

If Lists not duly received further Copies to be required of the Overseers.

9. If the Overseers of any Parish, Township, or Place shall omit or neglect to transmit in due Time the duplicate Copy of the Register and the Supplemental List, or either of them, as herein-before provided, or if the same shall not have been duly received, the said Clerk of the Peace shall inquire of the Overseer the Cause of such Omission or Neglect, and require a duplicate Copy or a further Copy of the original Lists in their Possession, marked with the Annotations and Objections, to be forthwith delivered or transmitted to him.

Copies of the Register to be prepared. Supplemental Lists and Forms to be printed.

10. The said Clerk of the Peace shall cause to be prepared a sufficient Number of Copies of the said annotated Copy of the Register for every Parish and Township, with the marginal Additions thereto, written or stamped therein, in the Manner herein-before provided, for Publication and Sale, and shall sign every such Copy, and shall cause a sufficient Number of Copies to be written or printed of the Supplemental List as amended and corrected by him, together with the marginal Additions for every Parish and Township, with the Names of the Overseers appended at the Foot thereof as they appear signed in the "Supplemental List" delivered to him, and shall also cause a sufficient Number of Copies to be printed of the "Notice to the Public," Notice of Claim, and Notice to amend Description, respectively set forth in the Schedule B, Nos. 5, 6, and 7, and the said Clerk of the Peace shall on or before the Eighteenth Day of June deliver or transmit the same to the Overseers of every Parish and Township to which the said Lists and Notices respectively relate, together with a Copy of the Instructions No. 3. in Schedule B.; provided that should no duplicate Copy of the Register, as herein-before directed, have been received from the Overseers of any Parish, Township, or Place, the Clerk of the Peace shall transmit or deliver to such Overseers the requisite Number of Copies of the Register in force relating to such Parish, Township, or Place, for Publication and Sale, as though no Correction had been required to be made therein.

Proviso where no Duplicate corrected Copy has been received by Clerk of Peace.

Overseers to publish Lists and Notice to the Public.

11. The Overseers of every Parish and Township shall on or before the Twentieth Day of June, or forthwith after the Receipt thereof,

thereof, publish the said annotated Copies of the Register and Copies of the Supplemental Lists, together with the Notice to the Public, and keep Copies thereof for Inspection, until the Expiration of the last Day for serving Notice of Claim, according to the Instructions No. 3. in the Schedule A. to this Act.

Persons not upon the Register or Supplemental List to give Notice of Claim.

12. Every Person entitled but not upon the Register of Electors in force, or who shall not retain the same Qualification, or who shall not be registered in accordance with the Law upon the Supplemental Lists, and who may desire to be registered to vote in the Election of a Knight or Knights of the Shire to serve in Parliament for the County or Division of a County to which such Register and Lists relate, shall, after the *Twentieth Day of June, and on or before the Twentieth Day of July*, give or send to the Overseers of the Parish or Township in which the Lands or Tenements are situate in respect of which such Person claims to be entitled to vote, a Notice according to the Form No. 6 in Schedule B. or to the like Effect; and if the Place of Abode of such Person shall not be within the County or the Division of the County for which he so claims the Right to vote, such Person may, if he think fit, notify in such Notice any Polling Place for the said County where he desires his Vote to be taken; and every Person upon the Register of Electors in force whose Description therein is in any Particular incomplete or inaccurate may amend and complete the same by giving or sending to the said Clerk of the Peace a Notice according to the Form No. 7. in the Schedule B. or to the like Effect.

If not resident within the County, may notify Polling Place.

Overseers to mark Errors and Objections on Notice of Claim, and to transmit same to Clerk of Peace.

13. The Overseers of every Parish and Township shall examine every Notice given or sent to them by any Person, in pursuance of the Notice to the Public, and shall note upon every such Notice all Errors or Omissions of Particulars known to them; and if they shall have reasonable Cause to believe that any Person giving any such Notice is not entitled to have his Name inserted in the Register next about to be formed, they shall write the Word "objected" thereon, and the Ground of such Objection; and the said Overseers shall immediately after the said *Twentieth Day of July* transmit or deliver to the Clerk of the Peace every Notice received by them in the Manner set forth and according to the Instructions No. 3. in Schedule A.

Extract from the Register to be sent to all Out Voters once in every 3 Years for Correction.

14. In order to provide more fully for the Correction of the Descriptions set forth in the Register of Persons not resident within the County to which such Register relates, the said Clerk of the Peace shall on or before the *First Day of June* next after the passing of this Act, and on or before the same Day in every Third succeeding

succeeding Year, send by Post to every Elector upon the Register in force whose Place of Abode as described in any List shall not be situate within the County, or the Riding, Parts, or Division of the County to which such Register relates, a Notice according to the Form No. 9. in Schedule B., containing therein a printed Extract, cut from the Register, of the Description of such Person and of his Qualification; and every such Person shall be required to correct, amend, and complete such Entry, where necessary for the full and accurate Description of such Person and of his Qualification; and every such Notice shall be returned to the Clerk of the Peace on or before the *First Day of August*.

Notice to be sent to Persons objected to by Overseers;

15. The said Clerk of the Peace shall on or before the *Thirtieth Day of June* send by Post, properly addressed to every Person opposite to whose Name the Word "objected" shall have been placed in the Copy of the Register for any Parish, Township, or Place, a Notice according to the Form No. 8. in Schedule B., and in such Notice shall be set forth the Cause or Ground of such Objection as stated in the annotated Copy received from the Overseers, and shall also on or before the said *Thirtieth Day of June* send by Post a Notice according to the Form No. 9. in Schedule B. to every Person against whose Name the Mark of Interrogation shall have been placed in the Margin of the annotated Copy of the Register for any Parish, Township, or Place; and such Notice shall contain an Extract from the Register of the present Description thereon of every such Person and of his Qualification, and the same shall be marked where needful to be corrected by being underlined in Red Ink; and such Person shall be required to make all necessary Corrections and Amendments therein, and to correct all Errors of Description pointed out as needful to be made for the full and accurate Description of such Person and of his Qualification, on or before the *First Day of August*.

and Notice to Persons where Corrections are required.

List of Claiamnts to be formed.

16. The said Clerk of the Peace shall on or before the *Thirty-first Day of July* make out according to the Form No. 10 (A.) in the Schedule B. hereto, from the Notices received from the Overseers as herein-before provided, the List of Claimants for every Parish and Township, with the Names arranged therein in strict Alphabetical Order, and shall set forth in the several Columns of such List the Particulars necessary to be stated therein with as much Accuracy as the Information contained in every such Notice will admit of; and where the Overseers shall have written the Word "objected," and stated the Ground of an Objection, on any Notice, the Word "objected" shall be placed opposite to the Name of such Person in the Margin of the List; and the said Clerk of the Peace shall thereupon give or send to every such Person a Notice according to

Clerk of the Peace may require Particulars to be amended.

the Form No. 8. in Schedule (B.), and the said Clerk of the Peace shall sign every such List: Provided always, that the said Clerk of the Peace may require any Person who may have given insufficient or inaccurate Particulars in any Notice of Claim to furnish him with further and amended Particulars; but if such Requisition be not complied with forthwith the Name of the said Person with such imperfect Particulars shall be set forth in the List of Claimants, and the Mark of Interrogation (?) be placed opposite thereto in the Margin of the said List.

Copies to be printed and published.

17. The said Clerk of the Peace shall cause a sufficient Number of Copies of the said List of Claimants, with his Signature thereto, to be written or printed, for Publication and Sale, and shall forthwith transmit or deliver the same to the Overseers, with a Copy of Instructions No. 4 in Schedule A.; and the said Overseers shall on before the *First Day of August*, or immediately after the Receipt of the same, publish such Lists according to the said Instructions: Provided always, that if by reason of the small Number of Names therein it shall appear to the said Clerk of the Peace more convenient to make out and deliver or less expensive to print by arranging together Two or more Lists for Parishes comprised within the same Polling District in One or more Sheets, such Lists may be arranged and printed in Polling Districts or Parts thereof according to the Form No. 10 (B) in Schedule B., but so that the Lists included in any such Part shall be in respect of Parishes or Townships topographically connected and adjoining any lying within the same Polling District; and in such Case the Clerk of the Peace shall transmit or deliver to the Overseers of every Parish and Township included within such Polling District List or Part thereof, for Publication and Sale, Copies of the whole of the Lists for such Polling District or Part thereof.

Proviso that List of Claimants may be formed for Polling Districts or Parts thereof.

Copy of the Register and Supplemental List with the List of Claimants to be deemed to be the List of Voters.

18. The Copy of the Register in force or the said annotated Copy of the Register (if any) for every Parish or Township, and the Supplemental List of Persons not already on the Register (if any), together with the List of Claimants (if any), with the Marginal Additions respectively as aforesaid, for the Time being, relating to the same Parish or Township, shall be deemed to be the List of Voters of such Parish or Township for the County within which such Parish or Township is situate, for the Purposes hereinafter mentioned.

Any Person on the Register may object to any other Person but only on

19. Every Person who shall be upon the Register for the Time being for any County may in any Year object to any other Person upon any List of Voters for such County as not having been entitled on the last Day of July then next preceding to have his Name inserted

inserted in any List of Voters for such County, but that no Person shall so object to any other Person except on Grounds disputing the Right by reason of his Incapacity by any Law or Statute from voting in the Election of Members to serve in Parliament, or except on Grounds disputing the Merits of the Qualification; and not dependent or founded only on any technical Misdescription thereof; and every Person so objecting shall on or before the *Fifteenth Day of August* in such Year give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode as described in such List, a Notice according to the Form No. 11 in Schedule B. or to the like Effect; and wherever the Place of Abode of the Person objected to as described in the said List shall not be in the Parish or Township to which such List may relate, and the Name of the occupying Tenant of the whole or any Part of the qualifying Property, together with his Place of Abode, shall appear in such List, the Person so objecting shall also on or before the same Day give to or leave or cause to be given or left at the Place of Abode of any such occupying Tenant a Duplicate of such Notice of Objection, addressed to such Tenant on the Back thereof; and every Person so objecting shall also on or before the said *Fifteenth Day of August* give or cause to be given to the Clerk of the Peace for such County a Notice according to the Form No. 12. in Schedule B. or to the like Effect; and every Notice to the Person objected to, and to the Tenant, and to the Clerk of the Peace, shall refer to the Entry in the List of Voters for the Parish or Township in which the qualifying Property is situate in respect of which the Right to vote is claimed.

the Ground of personal Incapacity or on the Merits of the Qualification.

Notice of Objection to be given to the Party objected to.

Notice to be given to the Tenant in certain Cases.

Notice to be given to the Clerk of the Peace.

20. Every Person so objecting shall sign the said Notices, and in every such Notice shall set forth in specific Terms the Ground or the several Grounds of Objection upon which he intends to rely; and no Person so objected to shall be required to give Evidence before the Revising Barrister or by Declaration in support of his Right to be registered, otherwise than as such Right shall be disputed or called in question in such Ground or Grounds of Objection.

Notice to specify the Ground or Grounds of Objection.

21. The said Clerk of the Peace shall in every Year make out a strict Alphabetical List of all Persons against whom Notice or Notices of Objection shall have been given to him for every Parish and Township to which such Notices may respectively relate, according to the Form No. 13. in Schedule B., distinguishing in the Margin thereof against each Entry the particular List to which the Notice of Objection refers; and if it shall appear to the said Clerk of the Peace more convenient to arrange and print such Lists after the Manner herein-before provided in such Case for

"List of Persons objected to," to be formed and published.

arranging and printing the Lists of Claimants, and according to the Form No. 10. B. in the said Schedule B., such Lists of Persons objected to may be arranged and printed in like Manner for Polling Districts or Parts thereof; and the said Clerk of the Peace shall cause a sufficient Number of Copies thereof to be written or printed, and shall *on or before the Twenty-first Day of August* deliver or transmit the same for Publication and Sale to the Overseers of the Parishes and Townships to which such Lists may respectively relate, with a Copy of the Instructions No. 4. in Schedule B.; and the said Overseers shall forthwith publish the same, and keep Copies for Sale during a Period of at least Fifteen Days next after the First Day on which the List shall be so published by them.

Persons objected to may make Statutory Declaration.

22. Any Person who shall have been objected to as not being entitled to have his Name retained upon any List of Voters may, if he be so desirous, answer the Ground or Grounds of Objection stated in the Notice given or sent to him by making and subscribing a Declaration under the Statute passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, Chapter Sixty-two, intituled "An Act to repeal an Act of the present "Session, intituled 'An Act for more effectual Abolition of Oaths "'and Affirmations taken and made in various Departments of the "'State, and to substitute Declarations in lieu thereof, and for the "'more entire Suppression of voluntary and extra-judicial Oaths "'and Affidavits;' and to make other Provisions for the Abolition "of unnecessary Oaths;" and such Declaration may be in the Form No. 14. in Schedule B., and shall set forth the Facts upon which the Person so objected to relies in support of the Right to have his Name retained upon the List of Voters, so far as such Right may be disputed by such Ground or Grounds of Objection; and such Declaration shall be delivered or transmitted by Post Office registered Letter to the Clerk of the Peace for the County to which such List of Voters relates, not less than *Ten Days* before the Day appointed by the Revising Barrister for holding his Court to revise the List of Voters upon which the Name of the Person objected to appears; and a Notice thereof according to the Form No. 15. in Schedule B. or to the like Effect shall at the same Time be given or sent by registered Post Office Letter or in the Manner and according to the Provisions of the One hundredth Section of the said Act of the Sixth of Victoria, Chapter Eighteen, by the said Person objected to, to the Person who shall have given or sent the said Notice of Objection at the Place of Abode stated therein.

Declaration to be filed with the Clerk of the Peace, and Notice to be given to the Objector.

23. The

Declaration to be open to Inspection by the Person objecting.

23. The said Clerk of the Peace shall receive and file every such Declaration, without Demand or Payment of any Fee for the same, and shall permit the same to be inspected by the Person objecting, or by any Person duly authorized by him in Writing, between the Hours ordinarily appointed for the Transaction of official Business at the Office of the said Clerk of the Peace; and every Declaration so filed shall be produced by the said Clerk of the Peace to the Revising Barrister at the Court or Courts of Revision to be held for the said County; and the Person so objecting may thereupon abandon or withdraw his said Notice of Objection, and shall deliver or shall send by the Post in the Manner and under the Regulations of the said One hundredth Section of the said recited Act, to the said Clerk of the Peace, and to the Person so objected to and making such Declaration, *Four* Days at least next before the holding of the said Court of Revision, the Notices in Writing respectively set forth in the Forms numbered 16 and 17 in the said Schedule B., and shall state therein whether he has or has not so abandoned and withdrawn his said Objection.

Objector may thereupon withdraw Objection, on giving Notice thereof.

Abstract of Lists and Information to be transmitted to Revising Barrister.

24. The Clerk of the Peace for every County shall as soon as possible after he shall have received Notification from the Revising Barrister of his Appointment, according to the Provisions of the said Act of the Sixth Year of Her Majesty, transmit an Abstract of the Number of Names upon the Supplemental List and the List of Claimants respectively, and the Number of Objections made by Overseers and by any other Person in each Parish and Township, arranging the Parishes and Townships therein according to Polling Districts, and a Statement containing any Particulars and Information that he may consider useful, in order that proper Times and Places for holding Courts for the Revision of such Lists may be appointed.

True Copy of the Register, with Annotations, marginal Additions, and Corrections for every Parish to be prepared for Revising Barrister.

25. The said Clerk of the Peace shall, before the Day appointed for the First Court of Revision to be holden, prepare for each Polling District a Copy of the Register for the Time being, in which shall be correctly marked in the Margin the Word "objected," together with the Ground of Objection, and the Word "dead," and the Note of Interrogation (?), as the same appeared in the annotated Copy received from the Overseers, and in the Lists published on the Church and Chapel Doors, and therein shall be marked in Red Ink all Corrections, Amendments, and Alterations proper and necessary to be made for the full and accurate Description of every Person and of his Qualification according to the Returns and Notices received by the said Clerk of the Peace from every Person in whose Description Errors or Omissions may have been pointed

out by the said Overseers, or by such Persons, or by any other Persons duly authorized by them, as being necessary to be corrected and amended, or according to the Returns made by Out-Voters to the said Clerk of the Peace, and such prepared Copy of the Register for every Parish and Township shall be the official Copy thereof for Revision by the Revising Barrister.

Clerk of the Peace to attend the First Court, and deliver Lists and Registers.

26. The Clerk of the Peace of every County, at the opening of the First Court of Revision appointed to be holden in and for the said County, according to the Provisions of the said Act of the Sixth Year of Her Majesty, shall deliver or cause to be delivered to the Barrister or Barristers appointed all the Lists of Voters, with the marginal Additions for the then current Year, for every Parish and Township, properly arranged according to the appointed Polling Districts; that is to say, the said Copy of the Register, with Annotations and marginal Additions and Corrections, prepared as aforesaid, the Supplemental List and the List of Claimants; and shall also deliver, arranged in like Manner, a Copy of the Register for every Parish, with marginal Additions, as published by the Overseers, and the List of Persons objected to with the Words "Declaration and Notice" marked in the Margin thereof opposite to the Name of every Person so objected to who shall have filed such Declaration with the Clerk of the Peace as herein-before provided, and also One or more printed Copies of the Register of Voters then in force for the said County; and the Clerk of the Peace or his Deputy, or some other Person duly appointed in that Behalf, shall attend each Court of Revision to be holden for the said County, and assist the said Revising Barrister or Barristers in the Revision of the said Lists, and shall produce and deliver to the said Barristers the Duplicate Copies of Lists received from the Overseers, all Notices of Claim, Notices to amend Descriptions, Notices of Objection, Statutory Declarations, and Withdrawal Notices, and all other Documents and Papers, properly arranged and endorsed, required in the Revision of the said Lists; and the Overseers of every Parish and Township shall attend the Court to be holden for revising the Lists relating to their Parish or Township, and shall produce all Rates made for the Relief of the Poor between the Sixth Day of April in the Year last past and the last Day of July in the then present Year, and shall deliver to the Revising Barrister or Barristers holding such Court the original annotated Copy of the Register, and the original Supplemental List, and all Documents, Writings, and Papers in their Possession relating to the Registration of Electors for their Parish or Township; and the said Clerk of the Peace and the Overseers shall (if required) answer upon Oath all such Questions as such Barrister or Barristers may put to them.

Also Deputy or Assistant to attend each Court of Revision, and produce Notices, Declarations, &c.

Overseers to attend the Court holden to revise the List for their Parish, and produce Rate Books.

27. The

27. The Revising Barrister or Barristers appointed to revise the List of Voters shall correct all Errors and Omissions pointed out or which may appear in the Copy of the Register for every Parish and Township, and for that Purpose shall investigate in open Court the Corrections, Amendments, and Alterations noted therein by the Clerk of the Peace, and being satisfied, from the Information furnished by the Overseers or others, or from the Returns and Notices produced, that the Corrections, Amendments, and Alterations, or any of them, or any other Alterations, are necessary and proper to be made therein, shall place his Initials in the Right-hand Margin of the List opposite thereto, having first made any further or other Corrections as in his Judgment he may deem to be necessary; and in every Case in which the Mark of Interrogation (?) shall appear in the Margin of the List, and no Return or an insufficient or imperfect Return shall have been received from the Voter by the Clerk of the Peace, the said Revising Barrister shall have Power to correct the Misdescriptions or supply the Omissions, if the Overseers or other Persons in Court are able to give such Information as in his Judgment may be sufficient for the proper Amendment of the same, and he shall thereupon expunge such Mark of Interrogation; but if the said Barrister be unable from the Information before him properly to make such Correction, he shall place his Initials against the Mark of Interrogation in the Left-hand Margin of the Register; and the Clerk of the Peace shall cause the same to be so printed in the Register next to be formed, and at the Revision of the Lists of Voters in the Year next following it shall be the Duty of the Revising Barrister then appointed to revise the List of Voters to expunge the Name of every Person opposite to which shall be printed such Mark and Initials as aforesaid: Provided always, that the Revising Barrister shall not make or sanction any Correction in the Description of the Nature or local Situation of the Qualification, except for the Purpose of more clearly and accurately defining the same, or make any Amendment or Alteration thereof which shall introduce or substitute any other Qualification for that set forth in the List.

Mode of Proceeding at Revision Court. Correction of the Register.

Where Mark of Interrogation is placed on the List, and no Return is made, Barrister may correct the same upon Information.

When unable to correct the same the Mark (?) and Initials of Barrister to be printed in the Register, and the Name to be expunged at the following Revision.

28. The Revising Barrister shall correct and revise the Supplemental List for every Parish and Township in the Manner following: First, with respect to every Entry therein, as far as readily practicable, the said Barrister shall ascertain whether the Person named be already properly registered as entitled to vote and not objected to, or whether his Name appear upon the List of Claimants for such Parish or Township; and if in either Case such Person shall be found so registered, the Revising Barrister shall

Revision of the Supplemental List.

(1) Inquiry to be made as to any present Registration.

expunge the Entry from the Supplemental List; provided always, that if it be shown by such Person, or by any One appearing on his Behalf, that such last-named Entry is the more fitting to be retained, or that the Voter so desires it, the Revising Barrister shall retain the Name, upon being satisfied that such Person is entitled to be registered in respect of the Qualification stated in such List, and shall expunge all other Entries, whether in the Register for the Time being or in the List of Claimants.; Secondly, the said Revising Barrister shall expunge every Entry from which Particulars essential to be stated have been omitted in the Qualification of any Person, or where the Description thereof as set forth in the List shall be insufficient in Law to entitle the Person to be registered, without inquiring into the Right of such Person to be so registered; Thirdly, with respect to every Person whose Name is not already upon the Register, or inserted in the List of Claimants, and the Particulars of whose Qualification is set forth with sufficient Accuracy for the Purpose, the said Revising Barrister shall examine the Overseer or Overseers as to the Grounds upon which the Name was inserted in the List, and upon being satisfied from the Evidence of the Rate Book, in conjunction with Information derived from other Sources, or from Evidence given by the Person himself, or by some One authorized by him to appear on his Behalf, that the Person so named is primâ facie entitled to be registered according to Law in respect of the Qualification set forth, the said Barrister shall place his Initials against the Name in the Margin of the List, having first made all Amendments and Corrections necessary for the full and accurate Description of his Qualification, and not being so satisfied he shall thereupon expunge the Entry: Provided always, that if any Person registered on the Supplemental List shall have been served with Notice of Objection by any Person, the said Barrister shall require such Person to prove his Qualification according to the Mode of Proceeding herein-after provided.

(2.) Certain imperfect Entries to be expunged.

(3.) To examine Overseers as to the Grounds for inserting Names in the List.

To expunge Names when not satisfied with the Evidence.

Revision of the List of Claimants.

29. The said Barrister shall amend and correct all technical Errors of Description in every Entry in the List of Claimants, upon Information furnished by the Overseers or other Persons duly authorized; and where any Claimant shall have been required by the Clerk of the Peace to furnish further and amended Particulars of his Claim, and no such Amendment shall have been made by him, the said Barrister may place the Mark of Interrogation (?), together with his Initials, in the Margin of the said List, and the same shall be printed in the Register, and the Entry shall be expunged at the following Revision; and the said Barrister shall expunge the Names of all Persons whose Qualification is wholly omitted, or is so vaguely set forth as not to be defined or identified,

identified, or on the Face thereof is insufficient in Law to entitle such Person to be registered; and if any Person shall have given to the Overseers due Notice of his Claim to have his Name inserted in any List of Claimants, and the Name of such Person shall have been omitted therefrom, or no List shall have been formed or published, it shall be lawful for the said Barrister, upon the Revision of the List, to insert therein the Name of the Person so omitted, according to the Provisions of the Thirty-seventh and Thirty-ninth Sections of the said Act of the Sixth of Her Majesty.

Claimants omitted from the List may be inserted by Barrister.

30. Where the Name of any Person shall have been objected to by the Overseers or by the Clerk of the Peace in any List of Voters, the said Revising Barrister shall first be satisfied that the Word "objected" had been written or printed in the Margin of the Lists published on the Church and Chapel Doors, and that sufficient Notice thereof had been given to or received by the Person objected to; but no imperfect Publication of any List or Lists, nor any Omission of the Word "objected," in particular Copies published or sold, or in any Addendum List, nor any Omission to send the printed Notice of such Objection, as herein-before provided, shall in this respect abridge the Operation of this Act, if in the Opinion of the Revising Barrister sufficient Notice had been given to or received by the Person objected to; and the said Barrister being so satisfied shall thereupon inquire of the Overseers their Ground for such Objection, and require it to be proved that the Person so objected to was entitled on the last Day of July then next preceding to have his Name inserted in the List of Voters in respect of the Qualification described in such List; and where the Name of any Person inserted in any List of Voters shall have been objected to by any Person other than the Overseer or the Clerk of the Peace, and such other Person so objecting shall appear by himself or by some One on his Behalf in support of such Objection, and shall prove that he gave the Notice or Notices respectively required by this Act to be given by him, the said Barrister shall then require the Ground or Grounds of Objection setforth in the said Notices to be answered, and require it to be proved that the Person so objected to was entitled on the last Day of July then next preceding to have his Name inserted in the List of Voters in respect of the Qualification described in such List, so far as the Right of such Person may have been questioned by any such Ground or Grounds of Objection: Provided always, that where the Ground of Objection shall be that the Person objected to was incapacitated by any Law or Statute from voting, the said Barrister shall require the Person objecting to prove such legal or personal Incapacity; and in every Case in which it shall not be proved to the Satisfaction of the said Barrister

Proceedings on Objections by Overseers;

by registered Electors.

When Names to be expunged.

Barrister that the Person was entitled as aforesaid, such Barrister shall expunge the Name of every such Person from the List of Voters.

General Powers to Barristers in Revision of the Lists and Correction thereof.

31. The Revising Barrister shall correct any Mistake which shall be proved to him to have been made in any List, and shall supply, correct, and amend the Description given therein of the Surname and Christian Names of any Person, or of his Place of Abode, or of the Nature of the Qualification, or of the local or other Description of the Property of any Person, or of the occupying Tenant thereof, for the Purpose of more clearly and accurately defining the same, but not so as to change the Nature of the Qualification, or to introduce thereby any other Qualification than that set forth in the List, and whether such Person shall be objected to or not no Evidence shall be given of any other Qualification than that which is described in the List of Voters or Claim; and the said Barrister shall expunge the Name of every Person proved to him to be dead, and in every Case in which the Word "dead" shall have been placed opposite to the Name of any Person, as herein-before provided, the Revising Barrister shall require to be satisfied by the Evidence of the Overseers or other Persons on their Behalf of the Death of such Person before expunging the Name from the List.

Where the Word "dead" appears opposite the Name of any Person, Barrister to require Evidence of Overseers of the Death.

Provision as to Duplicate Entries.

32. In every Case of a Reclaim made by any Person the Revising Barrister shall expunge the previous Entry from the Copy of the Register; and it shall be lawful for the said Barrister to expunge any duplicate Entry in respect of the same Person for the same Qualification, or if in respect of different Qualifications lying within the same Parish or Township to include the same under One Entry; and where any Person shall have become registered in Two or more Parish Lists, the said Barrister may place against the Name in the Margin of the List in which the oldest Registration appears the Mark of Interrogation and Asterisk (?*), together with his Initials, and such Marks and Initials shall be printed in the Register, and at the following Revision, the Barrister then appointed to revise the Lists shall expunge every such Entry, unless it be shown to his Satisfaction that the same ought to be retained.

Persons not resident within the County may select any Polling Place by Claim before Barrister in Writing.

33. Any Person whose Name shall appear upon any List of Voters, and whose Place of Abode as stated in such List shall not be within the same County or the same Division of the County, shall be at liberty to make his Claim to vote at the Polling Place of any District, by Notice under his Hand in Writing to the Revising Barrister, and such Notice shall be delivered to and verified

verified before the said Barrister holding his Court for the Revision of the List of Voters in which the Name of such Person shall appear, and thereupon the said Barrister shall insert in the Right-hand Margin of the List opposite to the Entry of such Person the Name of the Polling Place at which such Person desires to be registered to vote; and for the Purpose of correcting the Addenda Lists the Revising Barrister shall inquire of the Overseers of each Parish and Township whether the Places of Abode as described of the Persons named therein are situate within such Parish or Township, and if any are not so situate he may direct the Attention of the Clerk of the Peace thereto by a Note in the Margin of the List placed opposite to each such Entry.

Correction of Addenda Lists.

34. Every Revising Barrister shall, upon the Hearing in open Court, finally determine upon the Right of every Person to be registered, and upon the Validity of such Claims and Objections; and such Barrister shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part of the said Lists in which any Errors or Mistakes shall have been corrected, or any Omission supplied, or any Insertion made by him, as in the Manner herein-before provided, and shall sign his Name to every Page of the several Lists so settled.

Barrister in open Court to decide on the Right of Persons to be registered;

and to sign Lists.

35. If in any Case it shall appear to any Revising Barrister holding any Court as aforesaid that any Person shall under this Act have made or attempted to sustain any groundless or frivolous and vexatious Claim or Title to have any Name inserted or retained in any List of Voters, it shall be lawful for the said Barrister, in his Discretion, to make such Order as he shall think fit for the Payment by such Person of the Costs or any Part of the Costs not exceeding *Twenty Shillings* of any Person who shall have resisted the Admission of such Claim under any Notice or Notices of Objection, according to the Provisions of this Act.

Costs against Claimants in certain Cases.

36. Every Person upon the Register of Electors for the Time being, objected to by any Person other than the Overseers or the Clerk of the Peace, and who shall have established his Right in answer to the Ground or Grounds of Objection stated in any Notice, to the Satisfaction of the Revising Barrister, and thereupon his Name shall have been retained upon the Register, shall be entitled to recover from the Person so objecting, as and in respect of his Costs in resisting such Objection, for each Ground of Objection not sustained, such Sum or Sums, not being in the aggregate more than *Three Pounds* in any One Case, as the said Barrister in his Discretion shall order and award, unless the said Barrister shall see fit to withhold any such Order;

Costs against Objectors to Voters on the Register.

Order; and in the Case of every Person objected to on the Supplemental List or on the List of Claimants for any Parish by any Person other than the Overseers or the Clerk of the Peace, frivolously or vexatiously, or without reasonable Ground, in the Opinion of the Revising Barrister, it shall be lawful for the said Barrister, upon Proof of the Right of such Person to be registered in respect of the Qualification stated in the List, in his Discretion, to make such Order as he shall think fit for the Payment of any Sum not exceeding *Twenty Shillings* by the Person so objecting.

Costs against Objectors to Person on the Supplemental List or on List of Claimants.

37. In every Case where the Ground or Grounds of Objection stated in any Notice shall have been answered by any Person, and his Right to have his Name retained upon the List of Voters shall have been established to the Satisfaction of any Barrister, and it shall be further proved to the said Barrister that such Person had previously made and duly filed with the Clerk of the Peace a Statutory Declaration of his Right, and had given due Notice thereof to the Person objecting, and that the Person so objecting had not thereupon abandoned and withdrawn his Objection, according to the Provisions of this Act, every such Person shall be entitled to recover from the Person objecting (other than the Overseer or the Clerk of the Peace), as and in respect of his Costs in resisting such Objection, such Sum not being less than *Forty Shillings* nor more than *Five Pounds* as in the Discretion of the said Barrister he shall order and determine, and the said Barrister shall make his Order accordingly: Provided nevertheless, that before making any such Order the said Barrister shall be satisfied that the Statutory Declaration so filed with the Clerk of the Peace did contain a full and sufficient Answer to the Ground or Grounds of Objection stated in the Notice, and that the Person objecting ought thereupon to have abandoned and withdrawn the same.

Costs where Statutory Declaration shall have been previously made.

38. Every Order for Costs shall be made by the Revising Barrister in Writing, and shall specify the Sum which he shall order to be paid for such Costs, and by and to whom and when and where the same shall be paid, and shall date and sign the said Order, and deliver it to the Person or Persons to whom the said Sum shall therein be ordered to be paid; and such Order for the Payment of Costs as aforesaid may be made in any Case, notwithstanding any Party shall have given Notice of his Intention to appeal against any Decision of the Revising Barrister in the same Case; but in case of such Appeal the said Order for the Payment of Costs shall be suspended, and shall abide the Event of such Appeal, unless the Court of Appeal shall otherwise direct; but no Appeal shall be allowed or entertained against or only in respect of any such Order for the Payment of Costs.

Order to be in Writing.

39. The

39. The Lists of Voters for every County, signed as aforesaid, shall forthwith be transmitted or delivered by the Revising Barrister to the Clerk of the Peace for the same County, and the said Clerk of the Peace shall keep the said Lists among the Records of the Sessions, and shall forthwith cause the said Lists to be copied or printed in a Book or Books in the Manner and in the Form for every Parish and Township, together with the Addendum List thereto, and the Out-Voters Polling Lists, and also arrange the several Lists in the Order prescribed, according to the Provisions following: The List for every Parish, Township, or Place shall be made out from the revised Lists of Voters according to the Form No. 1 in Schedule B., and the Names of all Persons admitted to be entitled to vote in respect of Property situate in such Parish, Township, or Place shall be arranged therein in strict Alphabetical Order according to the Surnames, and the Surname and Christian Names and the Place of Abode of every Person whose Place of Abode as described in such List shall not be within the Parish or Township to which such List relates shall be distinguished by being printed in Italics; and the said Clerk of the Peace shall place in the Right-hand Margin against the Entry in Italics of every Elector resident within the County or Division the Name of the Parish or Township in which the Place of Abode is situate (and in the Addendum List for which his Name will be inserted), and the Name of the Polling District; and where the Entry in Italics refers to a Voter described as not resident within the County or Division, the said Clerk of the Peace shall, unless the Revising Barrister has previously registered the Place of Polling, enter in the said Margin that Polling Place which in his Judgment he may consider easiest of Access to the Voter, having regard to the Situation of his Residence. The Particulars of every Entry printed in Italics shall thereupon be inserted by the said Clerk of the Peace in the Addendum List appended to and forming Part of the List for the Parish or Township in which the Place of Abode of the Voter is situate, if such Voter be resident within the said County or Division, and if described as not resident within the same, then the Entry of such Voter shall be inserted in the "Out-Voters Polling List" for the Polling Place at which such Voter has been registered to vote, according to the Form No. 2. in Schedule B. to this Act; and every Name entered in such Addenda Lists and Out-Voters Polling Lists respectively shall be arranged therein in strict Alphabetical Order, and in the Margin thereof the Name of the Parish List in which the original Entry appears; and in every Case where an Entry printed in Italics shall have been corrected or amended by the Revising Barrister, or the Mark of Interrogation ("?") with his Initials shall be placed opposite thereto,

Revised Lists to be transmitted to the Clerk of the Peace.

Register to be formed.

Form of Parish Lists.

Polling Places of non-resident Voters to be entered in the Right-hand Margin.

Entries in Addendum List.

Out-Voters Polling List.

or the same shall have been expunged by the Revising Barrister, the Clerk of the Peace shall make such Correction or Amendment, or add the Mark of Interrogation and Initials aforesaid against the corresponding Entry in the Addendum List or Out-Voters Polling List, or expunge such Entry therefrom respectively, as the case may require; and to enable the Clerk of the Peace with greater Accuracy to determine the Addenda Lists in which the Entries as aforesaid ought respectively to be inserted the Overseers of every Parish and Township are hereby required to render such Assistance and Information as the said Clerk of the Peace may direct.

Overseers to render Assistance in forming Addenda Lists.

Arrangement of Lists in Register;

40. The Parish or Township Lists shall be arranged in Polling Districts as they are now or hereafter may be appointed in stricts Alphabetical Order for each District, and at the End shall be appended the Out-Voters Polling List for such District, and every Polling District shall be arranged in strict Alphabetical Order, and the Clerk of the Peace shall prefix to every Name its proper Number (except Names printed in Italics), beginning the Numbers from the first Name and continuing them in a regular Series down to the last Name: Provided always, that no Number shall be prefixed to the Name of any Person printed in Italics in any List, and that the Numbers shall be continued to the Names inserted in the Addenda Lists and in the Out-Voters Polling Lists respectively: Provided also, that where the Name of any Person shall be entered in any List more than once for the same or for different Qualifications a Number shall be placed against One Name only, and the Name and Place of Abode in all other Entries shall be printed in Italics; and the said Book shall be properly paged, and an Index appended thereto of the Polling Districts, and Parish and Township Lists therein, arranged in strict Alphabetical Order, and also in the Order in which the Parish and Township Lists are placed in such Register under the Heading of each District.

and how Register Numbers to be prefixed.

Register to be paged, and Index to Parishes formed.

Form in which Register to be printed.

41. Every such Book and Register shall be printed in uniform Primer Type, and with proper Headings to the Lists throughout, and in the Form known as Royal Quarto, on one Side only of the Paper thereof, and between every Entry therein Space shall be left so that Corrections and Interlineations may be conveniently made, and the Lists therein shall be arranged in such Form that the List for each Parish or Township, with the Addendum List contained therein, may be conveniently and completely cut out and detached from all other Lists of Voters contained in the same Book, so that all the Lists for every or any Polling Place on the List of every or any single Parish or Township, with the Addendum List, and every Out-

Out-Voters Polling List may be ready for the Purposes of this Act or for Sale; and the said Clerk of the Peace shall sign and deliver the said Book or Books *on or before the last Day of December* in the then current Year to the Sheriff of the County, to be by him and his Successors in the Office of Sheriff kept for the Purposes herein mentioned, or in any other Act or Acts in force for regulating the Proceedings at Elections of Members to serve in Parliament.

Register to be in force for One Year.

42. The said printed Book or Books so signed as aforesaid by the Clerk of the Peace, and given into the Custody of the Sheriff of any County, shall be the Register of Persons entitled to vote at any Election of a Member or Members to serve in Parliament which shall take place in and for the same County between the *last Day of December* in the Year wherein such Register shall have been made and the *First Day of January* in the succeeding Year; and the Clerk of the Peace of every County shall cause a sufficient Number of Copies of the said Register to be printed, as well for the Purposes of the ensuing Registration, according to the Provisions of this Act, as for the Purposes of an Election and Sale, and shall keep printed Copies of the said Register and Lists for the Purposes of this Act, and deliver Copies thereof or of any Part thereof to any Person applying for the same, upon Payment of a Price after the Rate contained in the Table numbered (2.) in the Schedule (D.) to the said Act of the Sixth Year of Her Majesty: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Parish or Township, without taking or paying for the whole that relates to such Parish or Township.

Copies to be kept for the Purposes of Registration and Sale.

Sheriff to make Provision for taking Votes in accordance with this Act.

43. The Sheriff, Under Sheriff, or Sheriff's Deputy of every County, at every contested Election for the said County, shall make suitable Provision at every Polling Place for taking the Votes of Persons registered in the Out-Voters Polling List for such Place, and for carrying out the Provisions of this Act as to the Mode in which the Votes of Electors are to be taken, and that, notwithstanding anything to the contrary contained in the Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Representation of the "People," or in the Sixty-fourth Section thereof, no Person shall be admitted to vote at any contested Election except at the Booth allotted for the Parish, Township, or Place, or allotted for taking the Votes of Out-Voters, to which the Parish or Township List and Addendum List or Out-Voters Polling List respectively relates, and wherein a Register Number shall appear against the Name of such Person: Provided that if any Person shall be

entitled to vote whose Name shall appear printed in Italics in any Parish or Township List, and a corresponding Entry of the same shall have been omitted to be made in any Addendum List, or the Register Number omitted to be placed against the same, the Vote of such Person shall be taken at the principal Place of Election at the Booth allotted to Out-Voters, and the Sheriff or his Deputy thereat may inquire into the Existence of such Error, and question the Person appearing before him as to the same, and may admit the Vote, and cast the same with the Votes admitted and taken at such Booth: Provided also, that it shall not be lawful for any Person to vote whose Name shall have been expunged by the Revising Barrister from the Parish Lists in which his Name originally appeared, and the Entry thereof in the Addendum List shall have been retained by reason of the Neglect or Omission of the Clerk of the Peace to expunge the same, anything in the said Act of the Sixth Year of Her Majesty to the contrary notwithstanding.

The Provision of the 100th Section 6 Vict. c. 18. to apply to all Notices under this Act.

44. The Provisions of the Hundredth Section of the said Act of the Sixth of Her Majesty, for the Service of Notices of Objection by the Post in the Manner and under the Regulations therein and in the One hundred and first Section of the said Act provided, shall be applicable to the Service of any and all Notices required by this Act to be given or sent to the Clerk of the Peace of any County, or to the Overseers of any Parish or Township, or to any other Person, and the Postmaster General shall cause all necessary Instructions in this Behalf to be given to the Postmasters named in the beforementioned Act.

How Notices may be served on Overseers;

45. Wherever any Notice is by this Act required to be given or sent to the Overseers of any Parish or Township, it shall be sufficient if such Notice shall be delivered to any One of such Overseers, or shall be left at his Place of Abode, or at his Office or other Place for transacting Parochial Business, or shall be sent by the Post free of Postage, or the Postage thereof being first paid, addressed to the Overseers of the particular Parish or Township, naming the Parish or Township and the County to which the Notice to be so sent may relate, without adding any Place of Abode of such Overseers; and wherever any Notice is required to be given or sent to the Clerk of the Peace, it shall be sufficient if such Notice shall be delivered to him or left at his Office for transacting the Business connected with his Duties under this Act, or as such Clerk of the Peace, or shall be sent by the Post free of Postage or the Postage thereof being first paid, addressed "To the Clerk of the Peace for the County of ..." at the Town or Place where his

on Clerk of the Peace.

his said Office may be situate; and where any Notice is required to be given or sent to any Person by the Clerk of the Peace it shall be sufficient if the same shall be delivered to such Person or left at his Place of Abode, or sent by the Post properly addressed to him, free of Postage or the Postage being first paid, or sent by the Post under the said One hundredth Section of the Act of the Sixth of Her Majesty.

Notices by Clerk of the Peace.

46. The Clerk of the Peace of every County and Division of a County, and the Overseers of every Parish and Township, shall keep Copies for Sale of all Lists respectively required by this Act to be published, and shall deliver written or printed Copies thereof to all Persons applying for the same, on Payment of a Price for each Copy after the Rate contained in the Table No. 1. in the Schedule (D.) to the said Act of the Sixth of Her Majesty.

Clerk of the Peace and Overseers to keep Copies of Lists for Sale.

47. All Letters, Instructions, Notices, and Lists required to be sent, transmitted, or delivered by and between the Clerks of the Peace and the Overseers shall be sent, transmitted, and delivered either by the Post, under the Regulations for the Registration of Letters and Parcels of printed Matter, or by some other safe and convenient Means; and the Clerk of the Peace of every County shall make all Arrangements necessary to ensure a Knowledge of the due Transmission and Receipt of such Communications and Parcels by the said Clerk of the Peace and Overseers respectively.

Provision for safe Transmission of Lists.

48. Every Barrister appointed to revise the List of Voters for any County shall have Power to require the Overseer or Overseers of a past Year, or any other Person having the Custody of any Poor Rate for the then current Year or any past Year, to attend before him at any Court holden by him, and they shall attend and produce such Poor Rate accordingly, and answer upon Oath all such Questions as such Barrister may put to them.

Power for Barrister to require Attendance of Persons having Custody of Poor Rate.

49. An Account of all Expenses incurred by the Clerk of the Peace of any County in carrying into effect the Provisions of this Act shall be laid before the Justices of the Peace at the next Quarter Sessions after such Expenses shall have been incurred; and the said Justices of the Peace shall make their Order upon the Treasurer of the said County for the Payment of such Expenses, or such Part thereof as they shall allow to the said Clerk of the Peace, out of the Public Stock of the said County.

Expenses of the Clerk of the Peace.

50. The said Revising Barrister shall allow in the Account of Expenses incurred by the Overseers of every Parish such fair and reasonable Sum in his Discretion for the Time engaged by the said

Expenses of the Overseers.

Overseers in correcting the Copy of the Register, and in the Discharge of their Duties under this Act: Provided always, that it shall be lawful for the said Barrister, in his Discretion, to omit any such Sum or any Part thereof in his Certificate of Expenses, where the Overseer or Overseers of any Parish shall have negligently executed or omitted to perform the Duties imposed by this Act, according to the Instructions contained in the Precepts of the Clerk of the Peace.

Interpretation Clause.

51. Throughout this Act and in the Schedules hereto the following Words shall have the Constructions respectively given to them, unless there be something in the Subject or Context inconsistent with or repugnant to such Construction:

"County:" The Word "County" shall extend to and mean any County, Riding, Parts, or Division of a County, respectively returning a Knight or Knights of the Shire to serve in Parliament within England and Wales:

"Clerk of the Peace:" The Words "Clerk of the Peace" shall comprehend and apply to any Deputy and to any Person for the Time being acting for him, and having the Custody of Records relating to the Registration of County Voters:

"Parish or Township:" The Word "Parish" or "Township" shall extend to and mean every Parish, Township, Village, Hamlet, District, or Place maintaining its own Poor:

"Overseers:" The Words "Overseer" and "Overseers" shall extend to and mean all Persons who by virtue of any Office or Appointment shall execute the Duties of Overseers of the Poor, by whatever Name or Title such Persons may be called, and in whatsoever Manner they may be appointed; and that all Matters by this Act directed to be done by the Overseers of a Parish or Township may be lawfully done by the major Part of such Overseers:

"Revising Barrister." The Words "Revising Barrister" or "Barrister" shall mean the Revising Barrister or Barristers appointed to revise the List of Voters for any County:

And no Misnomer or inacurate Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in anywise prevent or abridge the Operation in this Act with respect to such Person, Place, or Thing; provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice as to be commonly understood.

Short Title.

52. This Act may be cited for all Purposes as "The County Voters Registration Amendment Act, 1864."

SCHE-

SCHEDULES.

SCHEDULE A.

No. 1.

PRECEPT OF THE CLERK OF THE PEACE TO THE OVERSEERS.

[To the Overseers of Parishes not situate within the Boundaries of Parliamentary Boroughs.]

County of
to wit. } To the Overseers of the Poor of the Parish of
[*or* Township of].

By the Provisions of the Act of Parliament Victoria, you are required to discharge certain Duties in correcting the Register of County Electors in force, and forming a Supplemental List of all Persons not already on the Register who appear from the Rate Book to be entitled to be registered in respect of Property situate within your Parish; therefore, in pursuance of the Provisions of the said Act, I require your Attention to the following Instructions.

1. As to the Correction of the Register in force.

(1.) Herewith you will receive Two Copies of the Register in force relating to your Parish or Township. Taking One of such Copies, you are forthwith to mark all Corrections necessary to be made therein as follows: To examine and correct Copy.

If any Entry be not correct, or be not complete in accordance with the Requirements set forth at the Head of each Column of the List, either in respect of the Name or the Place of Abode of any Person, or of the Description given of the Nature of his Qualification, or of the Situation or other local Description of the Property, or in respect of any Change which from any Cause may have arisen therein, you are to make the necessary Amendment of the Entry by Writing in Ink in the Copy of the Register. If you are unable of your own Knowledge to amend the Description, you are to write in the Margin of the List against the Name in what Particular the Entry is incorrect, as "removed," "Tenant changed," "The Number of the House not properly "given," or the like.

(2.) With regard to every Entry respecting which you have no Information, you are to cause Inquiry to be instituted, with the Assistance of the Collector or Collectors of the Poor Rates, or so far as the Means of your Office will enable you to do so, as to the Correctness of the Descriptions therein, and to mark on the said Copy any Corrections found to be necessary, in the Manner above pointed out. To institute Inquiry where no Information.

(3.) Should you receive on or before the 10th Day of May any Notice or Notices, according to the Provisions of the Fifth Section of the Act, from any Person, To inquire specially where Notice is received.

Person, directing your Attention to any supposed Errors of Description in any Entry in the List for your Parish, you are to direct Inquiry therein, and to mark the Result in the same Manner as though the Inquiry had been originally instituted by yourselves, and also to mark the same on the Notice received.

To object in certain Cases.

(4.) If you have reasonable Cause to believe that any Person whose Name appears in the Copy of the Register for your Parish or Township is not entitled to have his Name retained upon the new Register about to be made in respect of the Qualification set forth, you are to add the Word "objected" in the Left-hand Margin of the List against the Name of every such Person, and shortly the Ground of your Objection, as "*sold*," "*parted with*," "*gone away*," "*insufficient Value*," "*no Qualification in Law*," or the like; and you are also to place the Word "*dead*" before the Name of any Person whom you shall have reasonable Cause to believe to be dead.

(5.) Having completed your Examination and Inquiries, and marked the Errors of Description necesary to be amended, and your Objection to Persons not entitled on such Copy of the Register, you are to sign the same at the Foot thereof. You are thereupon to take the Second Copy of the Register in force sent herewith, and to mark the same with the Corrections and marginal Additions in every respect as they appear marked by you in the original Copy, and you are to sign the same at the Foot thereof, and to deliver or transmit such duplicate Copy to me, with the duplicate "Supplemental List," in the Manner pointed out below. The first marked or original Copy of the Register you are carefully to keep in your Possession, and to produce the same to the Revising Barrister when he holds his Court of Revision.

2.—As to the Supplemental List.

Supplemental List.

(6.) You are to make a strict Alphabetical List on the Forms sent herewith of the Names and the Particulars of their Qualifications of all Male Persons of full Age, not subject to any legal Incapacity, not upon the Copy of the Register in force sent herewith (or who being thereon have ceased to possess the Qualifications for which they were registered), whom from Information afforded by the Rate Books, in conjunction with any Information derived from other Sources, you have reasonable Cause to believe to be qualified according to Law, and entitled to be registered in respect of their Interests in or the Occupation of Lands or Tenements situate wholly or in part within your Parish or Township; that is to say,

County Qualifications.
Freeholders.
8 Hen. VI. c. 7.
10 Hen. VI. c. 2.

I.—As being beneficially entitled to an Estate of Inheritance in any Freehold Land or Tenements within your Parish or Township of the clear yearly Value above all Charges and Incumbrances of not less than *Forty Shillings:*

Life Estates.
8 & 10 Hen. VI.
2 Wm. IV. c. 45.

II.—As being beneficially entitled to an Estate for any Life or Lives in any Lands or Tenements of the annual Value of not less than Forty Shillings, if the Person entitled shall be in the actual and bonâ fide Occupation of such Lands or Tenements, or the same shall have come to such Person by Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or to any Office, or he shall have been possessed thereof prior to the 7th Day of June 1832, and if not so acquired then of the annual Value of not less than £10:

III.—As

III.—As being seised at Law or in Equity of any Lands or Tenements of *Copyhold* or any other Tenure whatever, except Freeholds, whether for Life or Lives or not, of the clear yearly Value of not less than *Ten Pounds* over and above all Rents and Charges payable out of or in respect of the same: Copyholders. 2 Wm. IV. c. 45.

IV.—As being entitled either as *Lessee* or *Assignee* to any Lands or Tenements of any Tenure whatever for any Term originally created for a Period of not less than 60 *Years*, of the clear yearly Value of not less *Ten Pounds* over and above all Rents and Charges; or for any Term originally created for a Period of not less than *Twenty Years*, of such clear yearly Value of not less than *Fifty* Pounds. Leaseholders. 2 Wm. IV. c. 45.

NOTE.—No Person being only a *Sub*-Lessee or Assignee of an *Under Lease* is entitled to be registered unless he be in the actual Occupation of the Premises.

V.—As being the occupying Tenant of any Lands or Tenements for which such Person is bonâ fide liable to a yearly Rent of not less than Fifty Pounds. Occupying Tenants paying £50 Rent. 2 Wm. IV. c. 45.

(7.) Provided the Lands or Tenements shall not have come to him by Descent, Succession, Marriage, Marriage Settlement, or by Promotion to any Benefice or to any Office, no Person is entitled to be registered as a *Freeholder* or a *Copyholder* unless he shall have been in actual Possession of the Premises or in the Receipt of the Rents and Profits thereof for his own Use prior to the 1st Day of *February last* or for *Six* Months prior to the last Day of July next, nor any Person as a Leaseholder or an *occupying Tenant* unless he shall have been in the actual Possession thereof or in the Receipt of the Rents and Profits thereof for his own Use for Twelve Calendar Months previous to the last Day of July next. Time of Possession required. 2 Wm. IV. c. 45. s. 26.

(8.) In making out such List you are accurately to set forth in every Entry the several Particulars required in each Column as follows: Mode in which List to be made out.

First Column.—The Surname and Christian Names at full Length.

Second Column.—The Place of Abode, giving the Name of the Place and Post Town.

Third Column.—The Nature of the Qualification, as "Freehold," "Copyhold," "Leasehold for 60 Years," *or* "20 Years," "Occupying Tenant," adding thereto the Nature of the Premises, as "Land," "House," "Cottages," &c. as the Case may be.

Fourth Column.—Situation of the Property. So shortly stated that the Premises may be easily identified, vizt. If situate in a Street, Lane, or Court, or the like, the Name of the Street, Lane, &c., and if the Houses are numbered, the Number of the House; if not situate in a Street, &c., but in a Road or Common, or the like, the Name of the Property (if known by any), or if not so known then the Name of the occupying Tenant.

Where any Person is entitled in respect of several Qualifications or Properties in your Parish, you are to register him for One only, selecting that which is likely to be permanent.

(9.) Having formed and perfected your "Supplemental List of Persons entitled" but not registered, you will sign the same at the Foot thereof, and you will forthwith prepare, for Transmission to me, an accurate duplicate Copy thereof, signed by you. The original List you are carefully to keep in your Possession, to be delivered to the Revising Barrister at the Revision of the Lists.

2. Transmission of Lists and other Duties.

Transmission of Lists.

10. You are required to complete the Correction of the Copy of the Register and the Formation of the "Supplemental List" within such Time that you can without Fail deliver or transmit by Post to me the prepared Duplicates thereof before the *First Day of June*, and at the same Time you will deliver or transmit to me any Notices of Corrections required you may have received. Should you transmit the Lists by Post, you are to register the Packet at the Post Office containing the same, but if sent by any other Means you will receive an Acknowledgment of its Receipt.

11. I shall shortly transmit to you as many printed Copies of the Lists as you will require, for Publication on the Church and Chapel Doors of your Parish, and for Inspection and Sale. You are therefore to inform me by marking on each of the duplicate Lists before Transmission the probable Number of printed Copies you will require for such Purposes. Should you require further Instructions as to the Performance of your Duties, or further Copies of the Lists, you will communicate by Letter at my Office with me thereon. All Communications to be marked on the Outside "Registration of County Voters, Parish of ."

12. The Revising Barrister has Power to allow you in your Account of Expenses such Sum as he may think fair and reasonable as Remuneration for the Time occupied in the proper Performance of the Duties set forth, or to withhold the same where neglected or improperly or imperfectly performed, and for such Neglect to impose heavy Fines and Penalties; you are therefore cautioned not to fail herein.

Given under my Hand, this Day of

Clerk of the Peace for the County of .

No. 2.

No. 2.

PRECEPT OF THE CLERK OF THE PEACE TO THE OVERSEERS.

[To the Overseers of Parishes within Parliamentary Boroughs.]

County of } To the Overseer of the Poor of the Parish (*or* Township) of
to wit. }

By the Provisions, *&c.* (as in Precept No. 1.)

1. As to the Correction of the Register in force.

(As in Precept No. 1.)

2. As to the Supplemental List.

6. Supplemental List.

Freeholders I.
Life Estates II.
Other Rights III. } (As in Precept No. 1.) County Qualifications.

7. No Person in the actual Occupation of his Freehold Property situate within your Parish (being within a Parliamentary Borough) is entitled to be registered for the County, unless it consist of Land without Building, or be of such a Nature as not to confer on him the Right of voting for the Borough; nor any Copyholder, Leaseholder, or occupying Tenant of Property of such a Nature as will entitle any Person to be registered in respect of the same or the Occupation thereof for the Borough; and no Person is entitled to be registered as a *Freeholder* or a *Copyholder* unless he shall have actually possessed the Lands or Tenements, or was in the Receipt of the Rents and Profits thereof, prior to the First Day of *February last*, or for *Six* Months prior to the last Day of July next, except the same came to him by Descent, Succession, Marriage, Marriage Settlement, or by Promotion to any Benefice or to any Office. 2 Wm. IV. c. 45. s. 24. 2 Wm. IV. c. 45. s. 25.

Mode in which List to be made out.
Transmission of Lists, &c. } (As in Precept No. 1.)

Given under my Hand, this Day of

Clerk of the Peace for the County of

No. 3.

Instructions as to Publication of Lists and Notices.

Registration of County Voters.

County of } To the Overseers of the Poor of the Parish [*or* Township
to wit. } of].

In pursuance of the Provisions of the Act of Parliament of Victoria and of the Sixth of Victoria, Chapter 18, I require your Attention to the following Instructions:—

Instructions.

Herewith you will receive annotated Copies of the Register in force for your Parish, and Copies of the Supplemental List, and Form of Notice to the Public, for Publication by you, according to the Provisions of the above-named Acts of Parliament.

1. On the Receipt of these Instructions, with the Copies of the Lists and Notices, you will sign and return the annexed Form of Acknowledgment No. 1.

Publication of Notices and Lists.

2. You are on or before the 20th of June or forthwith to publish Notice to the Public, together with the Lists, in the Manner following:

Having duly signed each Copy of the *Notice to the Public*, you are to fix One of the printed Copies on or near the Outside of the outer Door or on the outer Wall near the Door of every Church and public Chapel in your Parish or Township, including Chapels which do not belong to the Established Church, or if there should be no such Church or Chapel, then in some public or conspicuous Situation in your Parish or Township, and at the Vestry Hall or Parochial Offices for your Parish, and at the same Time you are to publish by fixing on the Door or on the Wall at the Side of or near to every such Notice to the Public, but so as not to cover the Notice, One Copy of the Register, and One Copy of the Supplemental List, in such Manner that the same may be easily accessible to and inspected by the Public; and the Notice and Lists must remain there until the Expiration of the 20th July.

And if you shall find any such Notice, List, Register, or other Document published by you as aforesaid to be destroyed, mutilated, defaced, or removed, you are forthwith to place another to the same Effect in its Place.

Inspection and Sale of Lists.

You are to keep One of the Copies of the Register and of the Supplemental List by you, and allow them to be perused by every Person desirous of perusing them at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day except Sunday, until after the Expiration of the said 20th Day of July, without Demand of any Fee; and you are also to deliver a Copy or Copies thereof to every Person applying for the same, on Payment of a Price for every such Copy after the

Rate

Rate in the following Table contained in Schedule (D.) to the Act Sixth of Victoria, Chapter 18.

		s.	*d.*
"	Not exceeding 100 Names - -	*0*	*6*
	Exceeding 100 and not exceeding 200 - -	*1*	*0*
	Exceeding 200 and not exceeding 300 - -	*1*	*6*
	Exceeding 300 and not exceeding 400 - -	*2*	*0*
	Exceeding 400 - -	*2*	*6*

Notices of Claim and Notices to amend Description.

4. You are to furnish any Person applying for the same with the Forms of Notice of Claim or of Notice to amend Description sent herewith, upon Payment of *One Penny* for each such Form, and you will account to me for the same at the Revision Court.

To examine and forward all Notices received.

5. You are to examine every Notice of Claim given or sent to you, and on the Face to note thereon any Errors or Omissions of Description; and if you have reasonable Cause to believe that the Person giving such Notice of Claim is not entitled to have his Name inserted in the Register about to be formed, you are to write the Word "objected" thereon, and the Ground of your Objection, and to add your Signature to every such Note and Objection, after the following Example :—

" Omitted, *James Smith*, Tenant. *A.B.* Overseer."

or

" Objected. Rent not £50. *A.B.* Overseer."

6. And immediately after the 20*th Day of July* you are to transmit by Post Office registered Packet, or otherwise safely deliver to me, arranged according to the Surnames of the Claimants in strict alphabetical Order, all Notices you shall have so received, as well those marked by you as any others which may have been given or sent to you; and you are to send to me separately by Post the annexed Letter No. 2., informing me that you have so transmitted the Notices, or that you have received no Notices relating to your Parish to require Transmission.

Herein if you fail you will be liable to the Penalties in that Case provided.

Given under my Hand, this Day of .

Clerk of the Peace for the County of .

(No. 1.)

FORM OF ACKNOWLEDGEMENT.

To the Clerk of the Peace for the County of } Parish *or* Township of }

The Overseers acknowledge to have duly received the following Lists and Notices relating to the Registration of County Voters for the above Parish, with printed Instructions.

Copies of the Register in force.
Copies of the Supplemental List.
Copies of the Notice to the Public.
Forms of Notice of Claim.
Forms of Notice to amend Descriptions.

Dated this Day of 18 .

Signed
of
Overseer (*or* Vestry Clerk, *&c.*)

(*Endorsement.*)

Registration of County Voters.

To
The Clerk of the Peace
For the County of

(No. 2.)

LETTER TO THE CLERK OF THE PEACE.

To the Clerk of the Peace for the County of } Parish *or* Township of }

1. The Overseers have this Day sent by addressed "To the Clerk of the Peace for the County of at " all the *Notices* received by them relating to the Registration of County Voters

or

2. The Overseers have received no *Notices* relating to the Registration of County Voters requiring Transmission to the Clerk of the Peace according to Instructions No. 3.

Dated Day of July 18 .

Signed
of

*** The Overseers will expunge Paragraph No. 1. or No. 2. as the Circumstances may require.

(*Endorsement.*)

Registration of County Voters.

To
The Clerk of the Peace
For the County of

No. 4.

REGISTRATION OF COUNTY VOTERS.

INSTRUCTIONS by Clerk of the Peace to Overseers with List of Claimants [*or* List of Objections].

County of
to wit. } To the Overseers of the Parish of

In pursuance of the Provisions of the Act of Parliament Victoria, Chapter I transmit to you, for Publication and Sale, Copies of the List of Claimants [*or* List of Objections] for your Parish.

1. You are on or before the First Day of August or immediately after the Receipt hereof to publish the said List, by fixing One of the printed Copies on or near the Outside of the outer Door or the outer Wall near the Door of every Church and public Chapel in your Parish or Township, including Chapels which do not belong to the Established Church, and at the Vestry Hall or Parochial Offices, or if there should be no such Church or Chapel, then in some public or conspicuous Situation in your Parish, and it must remain there during a Period including Two Sundays at least. And if any such List published by you as aforesaid be destroyed, mutilated, defaced, or removed you are forthwith to place another to the same Effect in its Place.

2. You are to keep a Copy of the List of Claimants [*or* List of Objections], and to allow it to be perused by every Person desirous of perusing it at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day, except Sunday, during a Period of at least Fifteen Days next after the first Day on which the List shall be so published, without Payment or Demand of any Fee, and you are also to deliver a Copy or Copies thereof to every Person applying for the same, on Payment of a Price for every such Copy after the Rate contained in the following Table contained in Schedule (D.) to the Act Sixth of Victoria, Chapter 18.

	s.	*d.*
Not exceeding 100 Names - - -	*0*	*6*
Exceeding 100 and not exceeding 200 - -	*1*	*0*
Exceeding 200 and not exceeding 300 - -	*1*	*6*
Exceeding 300 and not exceeding 400 - -	*2*	*0*
Exceeding 400 - - - - -	*2*	*6*

Herein if you fail you will be liable to the Penalties in that Case provided.

Given under my Hand, Day of 18 .

Signed
Clerk of the Peace for the County of .

SCHEDULE B.

No. 1.

Form of Register Lists.

[To be placed at the Head of each Polling District in the Register, and printed on Slip attached at the Head of each Parish List prepared for Publication.]

Copy of the Register of Voters in force for the County of [*or* Division of the County of].

POLLING DISTRICT.

Parish (*or* Township) of [New Brentford—1863–4].

Overseers Objections and Errors requiring Correction marked "?" *Where Initials* are attached the Entries will be expunged at next Revision.	No.	Surname and Christian Names of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Situation of the Property. Street, Lane, or other like Place in this Parish or Township, and No. of the House (if any), or if not in a Street, &c. then the Name of the Road, Lane, Common, or Place, and No. if any, or Name of the Property. If not named, then the Name of the occupying Tenant. In respect of a Rentcharge, also the Name of the Owners of the Property out of which such Rent is issuing.	Polling Place of non-resident Voters and Addenda Lists in which Names appear.
	2973	Baker, Charles -	High Street, New Brentford.	House as Occupier.	High Street.	
		Collins, Frederick	*17, South Street, Lancaster.*	Copyhold Land -	The Half Acre -	King's Cross.
	2974	Clark, Samuel -	High Street, New Brentford.	Share in Leasehold Houses.	High Street.	
		Edwards, Arthur John.	*French Street, Sunbury.*	Fee Farm Rent on Freehold Land.	Green Lane (R. Robins, Tenant) J. Wilson, Owner.	(Sunbury) Bedfont.
	2975	Ellis, Rev. Archibald.	Parsonage, Brentford	Freehold Benefice	New Brentford.	
		Franks, William	*29, Sutton Street, Clerkenwell.*	Freehold Land -	Brentford Butts -	(Clerkenwell) King's Cross.
	2976	Garrett, John Thomas.	High Street, Brentford	House as joint Occupier.	High Street.	
	2977	King, Alexander	High Street - -	House as Occupier.	High Street.	
		Long, James -	*27, Milk Street, Cheapside.*	Copyhold Land -	James Wilson, Tenant.	(St. M. Magdn.) London.
		Reeve, Henry -	*Lily Cottage, Hackney*	Copyhold Land -	Green Lane, Robert Stone, Tenant.	(Hackney) BethnalGreen.
	2978	Russell, John -	New Brentford -	Freehold Tithe Rentcharge.	On Land, Ealing Lane, Thomas Jay, Owner.	

Addendum to the List of Voters for the Parish (*or* Township) of

(*Voters described as resident in this Parish but registered for Property in other Parishes of the County.*)

——	No.	Name.	Place of Abode.	Nature of Qualification.	Situation of Property.	Parish List in which original Entry appears.
	2979	Bailey, John -	The Willows, Brentford.	Leasehold House	Chase Side - -	Enfield.
		**Bailey, John* -	*Willows, New Brentford.*	Freehold House	276, Euston Road -	St. Pancras.
	2980	Lines, William -	New Brentford, Middlesex.	Freehold Rentcharge on Freehold Houses.	High Street, Richard Burt, Owner.	Hampstead.

No. 2.

No. 2.

COUNTY of [*or* Division of the County of]

18 .

OUT-VOTERS POLLING LIST.

[KING'S CROSS] POLLING DISTRICT.

Errors requiring Correction marked "(?)" by new Claim.	No.	Surname and Christian Names.	Place of Abode.	Nature of Qualification.	Situation of the Property.	Parish or Township List in which original Entry appears.
	7,654	Collins, Frederick	17, South Street, Lancaster.	Copyhold Land	The Half Acre -	New Brentford.
	7,655	Davis, James -	Hatfield, Hertfordshire.	Freehold Houses	17 and 18, Crown Street.	Kensington.
	7,656	Evans, Thomas	Kenilworth, Warwickshire.	Leasehold Houses for 60 Years.	High Street -	Staines.
	7,657	Hoskyns, William Walter.	Park House, Northampton.	Copyhold Lane -	Broad Acre, High Farm.	Hayes.

No. 3.

County of
to wit, or
Division of the County
of

SUPPLEMENTAL LIST of Persons not already on the Register who appear from the Rate Book in conjunction with Information derived from other Sources to be entitled to be registered in respect of Property situate wholly or in part within the

Parish of

Errors requiring Correction by a new Claim marked*.	No.	Surname and Christian Name of each Person at full Length.	Place of Abode.	Nature of Qualification.	Situation of the Property. Street, Lane, or other like Place, and Number of the House (if any), or if not in a Street, &c. then the Name of the Road, Common, or Place, and the Name of the Property, if known by any, if not named, then the Name of the occupying Tenant.	Polling Place of non-resident Voters and Name of Parishes in which they reside.

Dated the Day of

Signed

Overseers of the
Parish of

No. 4.

No. 4.

REGISTRATION OF COUNTY VOTERS.

County of
to wit.

Notice of Errors of Descriptions in Entries on the Register.

To the Overseer of the Poor of the Parish [*or* Township] of .

Sir,

I hereby direct your Attention to the Errors of Description pointed out in the following Entry or Entries in the Register in force for your Parish or Township.

Dated the Day of 18 .

Signed (*in full*).

Place of Abode (*in full*).

On the Register for the County
in the List for the Parish of .

Here particularize in what the Descriptions are incorrect.	Name as described.	Place of Abode as described.	Nature of Qualification as described.	Situation of the Property as described.

NOTE.—The Overseer will refer to his Instructions received from the Clerk of the Peace, and make Inquiry in accordance therewith, and note the Result thereof on this Notice, and transmit the same to the Clerk of the Peace.

(*Endorsement.*)

Registration of County Voters.

To
The Overseers of the Poor of the Parish (*or* Township) of
County of .

No. 5.

NOTICE TO THE PUBLIC.

Registration of County Voters.

County of } *We* hereby give Notice, That all Persons entitled to
to wit. } vote in the Election of a Knight or Knights of
the Shire for the County of in respect of Property situate
wholly or in part within this Parish or Township, *who are not upon the Register of Voters now in force in respect of Qualifications they now retain, or are not registered correctly or in accordance with the Provisions of the Law upon the Supplemental List* (in which respect we direct particular Attention to all Entries marked thus * in the Margin of such List), are required to give or send to the Overseers of the Parishes or Townships respectively in which their Qualifications are situate, *on or before the 20th Day of July*, Notice of Claim, in which their Name and Surname at full Length, their Place of Abode, and the Particulars of the Nature and local Description of their Qualification, must be legally written according to the required Form.

Correction of Errors.

And we hereby give further Notice, That all Persons whose present Description upon the *Register in force* may be inaccurate or incomplete in any Particular are required to give Notice to the Clerk of the Peace to amend the same in the Form prescribed, and for that Purpose we direct Attention particularly to all Entries in the Copy of the Register marked thus (†).

Any Person can obtain Forms of "Notice of Claim" and of "Notice to amend Descriptions" from us, or at the Parochial Offices, or from the Clerk of the Peace, on Payment of the Sum of One Penny for each such Form.

The Lists for this Parish or Township are now published by us, and are fixed near to this Notice.

Dated this Day of June in the Year 18 .

A.
B.
C. } Overseers of the Poor of the Parish or Township of

No. 6.

No. 6.

NOTICE OF CLAIM.

*To the Overseers of the Parish [*or* Township] of .

I hereby give Notice, That I claim to be inserted in the List of Voters for the County of [*or* Division of the County of], and that the Particulars of my Place of Abode and Qualification are stated in the Columns below.

Christian Name and Surname of the Claimant at full Length.	Place of Abode.	Nature of Qualification.	Situation of the Property. *Street*, Lane, or other like Place in this Parish or Township, and Number of the House (if any), *or* if not in a Street, &c., then the Name of the Road, Lane, Common, or Place, and Name of the Property. If not known by any Name, then the Name of the occupying Tenant. In respect of a Rentcharge, also the Name of the Owner of the Property out of which such Rent is issuing.

Dated the Day of 18 .

Signed in full .

Not being resident within the County above named or Division, I desire to vote at Polling Place.

* Parish in which the qualifying Property is situate.

1st Column.—Christian Names and Surnames must be stated at full Length.

2d Column.—Such Description that a Letter so addressed if posted in any Part of the County will readily reach the Claimants.

3d Column.—As "Freehold House," "Copyhold Land," "Leasehold Cottages for 20 Years," "Occupying Tenant of Land," &c.

4th Column.—These Particulars must be shortly but accurately set forth, in accordance with the Heading of the Column, that the Property may be easily identified.

*** The Notice may be delivered to the Overseers, or may be sent by the Post, post paid or specially registered, addressed "To the Overseers of the Parish of ."

No. 7.

NOTICE TO AMEND DESCRIPTION.

To the Clerk of the Peace for the County of .

I hereby give Notice, That my present Registration as an Elector for the County, as described on the Register in force for the Parish [*or* Township] of is incorrect or incomplete, and requires to be amended in the following Particulars:

1st Column.—Name _____

2d Column.—Place of Abode _____

3d Column.—Nature of Qualification _____

4th Column.—Local Description of the Situation of the Property } _____

Dated the Day of in the Year 18 .

(Signed)

(*Endorsement.*)

Registration of County Voters.

To

The Clerk of the Peace
for the County of

_____

No. 8.

No. 8.

NOTICE OF OVERSEERS OBJECTIONS.

County of } To Mr.
to wit. } of

Sir,

The Overseers of the Parish of on the List for which you are registered [*or* claim to be registered] as a Voter for the above County have objected to the Insertion of your Name in the Register next about to be formed in respect of the Qualification set forth in the List, on the following Ground :—

Ground of Objection :

Should you still retain the Qualification you will be required to establish your Right at the next Revision Court, Notice of which will be publicly given on the Church Doors, and advertised in the County Newspapers ; or you may make a Statutory Declaration of your Right, and file the same with me, according to the Provisions of the 22d Section of the "County Voters Registration Act, 1864."

Or if you are entitled in respect of any other County Qualification, and are not now registered for the same, you can have your Name inserted in the List of Voters, by sending a Notice of Claims to the Overseers of the Parish in which the Lands or Tenements are situate, on or before the 20th Day of July in the present Year.

Dated the Day of 18 .

Yours, &c.

A.B.

(Signed)

Clerk of the Peace.

(*Endorsement.*)

Registration of County Electors.

To

Mr.

of

No. 9.

Registration of County Voters.

County of } Notice, with Extract from the Register, to be sent by Clerk of the Peace to Voter to correct his Registration.

Parish or Township of .

	Name.	Place of Abode.	Nature of Qualification.	Situation of Property.
Present Description.				
Corrections required.				

Signature of Voter.

To Mr.

The above is an Extract from the Register of Voters for the above-named County of your present Registration thereon. You are required to examine and amend the Entry where faulty or incomplete, and to return the same to me as soon as possible; and your Attention is particularly directed to the Columns underlined which require Correction. You will be good enough to attach your Signature thereto, and return this Notice as addressed.

Dated the Day of in the Year 18 .

A. B.

Clerk of the Peace for the County of .

*** This Return must be made not later than the First Day of August.

(*Endorsement.*)

Return.

Registration of County Voters.

To

The Clerk of the Peace

for the County of

No. 10.

No. 10.

Form A.

REGISTRATION OF COUNTY VOTERS.

County of } LIST of PERSONS claiming to be entitled to vote in the Election of
to wit. } a Knight or Knights of the Shire for the County of
in respect of Property situate within the

Parish of

Overseers Objections.	Surname and Christian Names.	Place of Abode.	Nature of Qualification.	Situation of the Property.	Polling Place.

Dated the Day of 18 .

Signed

Clerk of the Peace.

No. 10.

Form B.

REGISTRATION OF COUNTY VOTERS.

_____ POLLING DISTRICT

{[*or* Part of Polling District].

County of
to wit. } LIST of PERSONS claiming to be entitled to vote in the Election of a Knight or Knights of the Shire for the County of
in respect of Property situate in the following Parishes: *A*, *B*, *C*, and *D*.

Parish of (A).

Overseers Objections.	Surname and Christian Names.	Place of Abode.	Nature of Qualification.	Situation of the Property.	Polling Place.

List of Claimants, Parish of (B).

List of Claimants, Parish of (C).

List of Claimants, Parish of (D)

Dated the Day of 18 .

Signed

Clerk of the Peace.

No. 11.

No. 11.

NOTICE OF OBJECTION TO BE GIVEN TO PARTIES OBJECTED TO [AND TO THE OCCUPYING TENANT].

[To "the Tenant of," in case of Notice to a Tenant.]

To Mr. of .

As an Elector, I call in question and object to the Retention of your Name on the* List of Voters for the County of in respect of the following Entry:

(*Description of Voter or Claimant as in the List,*)

on the following Ground:

(*Ground of Objection.*)

Dated the Day of One thousand eight hundred and .

Signed

(*Place of Abode*)

On the Register of Voters in the Parish List of

[In the Case of Notice to the Tenant, the Notice must be addressed on the Back as a Letter to such occupying Tenant at his Place of Abode as described in the List.]

* Parish List in which the qualifying Property is situate.

No. 12.

NOTICE OF OBJECTION TO GIVE TO THE CLERK OF THE PEACE.

To the Clerk of the Peace of the County of .

List for the Parish or Township of .

I hereby give you Notice, That I object to the Name of the Person mentioned and described below being retained in the above List of Voters for the County of , on the following Ground:

(*Ground of Objection.*)

Name of List or Lists to which this Objection applies, and in which the Entry is contained.	Surname and Christian Name of the Voter objected to as described in the List.	Place of Abode as described.	Nature of Qualification as described.	Solicitation of Property as described.
†				

Dated the Day of in the Year .

Signed

(*Place of Abode*)

On the Register of Voters in the Parish List of

† *i.e.* "Copy of the Register," "The Supplemental List," or "The List of Claimants."

No. 13.

REGISTRATION OF COUNTY VOTERS.

County of
to wit.

LIST of Persons objected to as not being entitled to have their Names retained on the County List of Voters for the

Parish of

List to which Notice refers.	Surname and Christian Name of the Voter objected to as described in the List.	Place of Abode as described.	Nature of Qualification as described.	Situation of Property as described.
*				

Dated the Day of 18 .

Signed

Clerk of the Peace.

* "Reg." Copy of the Register.
"S. L." Supplemental List.
"L. C." List of Claimants.

No. 14.

No. 14.

FORM OF STATUTORY DECLARATION.

18 .

County of .

List of Voters for the Parish [*or* Township] of .

I *A.B.* of [*Place of Abode*] do solemnly and sincerely declare, That I am entitled to have my Name retained upon the above-named List of Voters for the County of and that [*here the Voter to state the Facts upon which he relies in answer to the Grounds of Objection set forth in the Notice*].

And I make this solemn Declaration conscientously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Sixth Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to repeal an Act of the present Session of Parliament, " intituled 'An Act for the more effectual Abolition of Oaths and Affirma- " tions taken and made in various Departments of the State, and to sub- " stitute Declarations in lieu thereof, and for the more entire Suppression of " voluntary and extra-judicial Oaths and Affidavits;' and to make other Pro- " visions for the Abolition of unnecessary Oaths."

Signed .

(*Place of Abode.*)

(*As the Case may be.*)

Made and subscribed before me the Day of in the Year .

No. 15.

NOTICE OF FILING STATUTORY DECLARATION WITH CLERK OF THE PEACE.

To Mr. [*here insert the Name in full, and the Place of Abode of the Objector as set forth in his Notice*].

Take notice, That I have [*this Day*] filed with the Clerk of the Peace for the County of a Statutory Declaration subscribed by me, and taken by a Magistrate, *&c.* [*as the Case may be*], in answer to your Notice of Objection to the Retention of my Name on the List of Voters for the above-named County.

Dated this Day of in the Year 18 .

(Signed)

(*Place of Abode.*)

*** To be directed to the Objector, and sent by Post Office Registered Letter on under the Provisions of the 100 Sec. 6 Vict. c. 18.

(*Endorsement.*)

Registration of County Voters.

To
Mr.

[*Name and Place of Abode of Objector as stated in the Notice of Objection.*]

No. 16.

No. 16.

WITHDRAWAL NOTICE TO THE CLERK OF THE PEACE.

Registration of County Voters.

To the Clerk of the Peace for the County of .

Parish of .

Take notice, That upon inspecting the Statutory Declaration filed with you *I have** *withdrawn* and abandoned the Objection made by me to the Name of of being retained in the List of Voters for the County of .

Dated the Day of 18 .

Signed .

(*Place of Abode.*)

*** The Clerk of the Peace will note the Receipt of this Notice on the List of Persons objected to to be delivered to the Revising Barrister, and produce this Notice at the Revision Court.

* or "*not*," as the Case may be.

(*Endorsement.*)

Registration of County Voters.

To the Clerk of the Peace for the County of .

No. 17.

WITHDRAWAL NOTICE TO BE GIVEN TO THE PARTY OBJECTED TO.

Registration of Voters for the County of .

Parish List of .

To

Mr. of .

I hereby give you Notice, That having inspected your Declaration filed with the Clerk of the Peace, *I have** *withdrawn* and abandoned the Objection made by me to your Name being retained upon the List of Voters for the County of .

Dated this Day of 18 .

Signed .

(*Place of Abode.*)

---

* or "*not*," as the Case may be.

(*Endorsement.*)

Registration of County Voters.

To

Mr

of

SCHEDULE C.

Extent of Repeal of the Act, 6 Victoria, Chapter 18., intituled "An Act to "amend the Law for the Registration of Persons entitled to vote, and to define "certain Rights of voting, and to regulate certain Proceedings on the Election "of Members to serve in Parliament for England and Wales. May 1843."

Sections repealed.	Sections repealed only so far as they apply to the Registration of Voters and the Formation of Registers in Counties.
Sections numbered *3*, *4*, *5*, *6*, *7*, *8*, *9*., *34*., *36*., and *47*.	Sections numbered *40*., *46*., and *49*.

County Voters Registration

A

BILL

To amend the Law for the Registration of County Voters in England and Wales.

(*Prepared and brought in by Mr. Dodson, Mr. Algernon Egerton, Mr. Locke King, and Mr. Collins.*)

Ordered, by The House of Commons, *to be Printed,* 19 *May* 1864.

[Bill 112.]

Under 8 *oz.*

A

B I L L

INTITULED

An Act for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery.

WHEREAS by the Act of the Twenty-third and Twenty-fourth Years of Her present Majesty, Chapter One hundred and forty-nine, after reciting that in consequence of the Amount of Business transacted in the Chambers of the Master of the Rolls it had been found expedient for Three Years last past to obtain the Assistance of Mr. John Arthur Buckley, late Chief Clerk, in the Office of one of the Masters in Ordinary, and that, having regard to the Business transferred to the Office of the Master of the Rolls by reason of the final Discharge of the Masters, it was expedient that such Assistance should be continued, it was enacted (among other Things) that Mr. John Arthur Buckley should be continued as an Additional Clerk in the Office of the Master of the Rolls, with the Salary he then received, during such Time as the Lord Chancellor should think fit, and that it should be lawful for the Lord Chancellor to transfer the said Mr. Buckley as an Additional Clerk to the Office of any One of the Vice-Chancellors, during such Time as the Lord Chancellor should think fit: And whereas the said

23 & 24 Vict. c. 149.

said John Arthur Buckley has lately been duly appointed and is now a Chief Clerk to the Vice-Chancellor Sir Richard Torin Kindersley, Knight, in the Room of Mr. Charles Pugh, deceased, and has vacated his said Office of Additional Clerk: And whereas Mr. John Hockley has for the last Three Years, by an Order of the Lord Chancellor, assisted the said Mr. Buckley as Junior Clerk: And whereas the Amount of Business transacted in the Chambers of the Master of the Rolls has not decreased, and it has been found expedient to obtain the Assistance of Mr. John William Hawkins, who has been in practice as a Solicitor and Attorney for Ten Years and upwards now last past, in transacting the said Business, and it is necessary that the Staff of Clerks attached to the Chambers of the Master of the Rolls should be increased: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Additional Chief Clerk and Junior and Assistant Clerks to the Master of the Rolls. [15 & 16 Vict. c. 80. ss. 16. 18.]

1. From and after the passing of this Act, the said John William Hawkins shall become and he is hereby appointed Additional Chief Clerk to the Master of the Rolls and his Successors in Office; and the said John Hockley shall become, and he is hereby appointed a Junior Clerk to such Additional Chief Clerk; and it shall be lawful for the Master of the Rolls to appoint One other Junior Clerk and One Assistant Clerk to such Additional Chief Clerk.

Clerks so appointed may be transferred to any other Judge. [23 & 24 Vict. c. 149. s. 10.]

2. The Lord Chancellor, with the Advice and Concurrence of the Judge to whom such Additional Chief Clerk and other Clerks may for the Time being be attached, may transfer from Time to Time such Additional Chief Clerk and other Clerks to any other Judge of the said Court during such Time as he shall think fit.

Vacancies may be supplied.

3. On any Vacancy in such Office of Additional Chief Clerk or other Clerks, it shall be lawful for the Master of the Rolls or Vice-Chancellor to whom such Additional Chief Clerk and other Clerks at the Time of such Vacancy happening shall be attached, with the Approbation of the Lord Chancellor, to supply such Vacancy, provided the Lord Chancellor, with the Advice and Consent of the Master of the Rolls or of such Vice-Chancellor, as the Case may be, shall by an Order declare such Appointment to be necessary: Provided always, that in case a new Judge shall be appointed in the Court of Chancery the said John William Hawkins, or other Person appointed an Additional Chief Clerk under this Act, and the Junior and Assistant Clerks of such Chief Clerk, shall be transferred to and become the Clerks of such Judge.

[23 & 24 Vict. c. 149. s. 10]

4. Such

4. Such of the Provisions contained in the Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty, as amended by the Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and thirty-four, and by the said recited Act, as relate to the Qualification for and Removal from Office, striking off the Roll, Tenure of Office, Attendances, Duties, Powers, Prohibitions, Prosecutions, Penalties, and Punishments, Salaries and Annuities, of and respecting the Chief Clerks and Junior Clerks by the first Two of such Acts authorized to be appointed, are hereby extended and applied to and in the Case of the Chief Clerk and Junior Clerks appointed and to be appointed under this Act, so far as the same are consistent with the Provisions herein otherwise contained.

Duties, &c. of the Chief and Junior Clerks. [15 & 16 Vict. c. 80. ss. 17, 25. 29, 30. 34. 44. 45. 18 & 19 Vict. c. 134. ss. 1. 4. 23 & 24 Vict. c. 149. ss. 10. 12. 14.]

5. Every Junior and Assistant Clerk appointed or who shall be appointed under this Act shall hold his Office at the Pleasure of the Judge to whose Court he shall be attached, and shall be under the Control of such Judge, and attend at such Places, during such Times, and for such Hours in each Day, and perform such Duties as such Judge shall from Time to Time direct, and shall receive by way of Salary for the Performance of his Duties such annual Sum as the Lord Chancellor and the Commissioners of Her Majesty's Treasury shall from Time to Time fix and determine, and such Salary shall grow due and be paid in the Manner and out of the Fund mentioned in Section Forty-eight of the Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-seven.

Duties, &c. of Assistant Clerk. [15 & 16 Vict. c. 80. ss. 22. and 23. 15 & 16 Vict. c. 87. s. 48.]

Court of Chancery (Despatch of Business).

A

BILL

INTITULED

An Act for making better and further Provision for the more efficient Despatch of Business in the High Court of Chancery.

(*Brought from the Lords* 11 *April* 1864.)

Ordered, by The House of Commons, *to be Printed*, 14 *April* 1864.

[Bill 69.]

Under 1 *oz.*

25 *April* 1864. 27 VICT.

(Ireland.)

A

BILL

TO

Alter the Constitution and amend the Practice and Course of Proceeding in the High Court of Chancery in Ireland.

WHEREAS it is expedient to alter the Constitution and amend the Practice and Course of Proceeding of the High Court of Chancery in Ireland, and to make Provision for the Receipt of Fees of that Court by Stamps, and to give increased Power over Funds in that Court the Dividends of which have not been dealt with for a certain Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act may be cited for all Purposes as "The Chancery (Ireland) Act, 1864." Short Title.

2. From and after the Time appointed for the Commencement of this Act the Acts and Parts of Acts mentioned in Schedule (A.) to this present Act shall be and the same are hereby repealed, except in so far as may be necessary for the Purpose of supporting, continuing, or prosecuting any Suit or Proceeding begun Repeal of existing Acts and Portions of Acts.

begun before the Time appointed for the Commencement of this Act.

Interpretation.

3. In the Construction and for the Purposes of this Act the following Terms shall have the respective Meanings herein-after assigned to them (if not inconsistent with the Context or Subject Matter); that is to say,

"Her Majesty:" The Expression "Her Majesty" shall mean the Sovereign for the Time being:

"Chancery Court:" The Expressions "Chancery" and "Court" shall mean the Court of Chancery in Ireland:

"Lord Chancellor:" The Expression "Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of Ireland:

"Master:" The Words "Master of the Rolls" shall mean the Master of the Rolls in Ireland:

"Master of the Rolls:" The Word "Master" shall mean Master in Ordinary of the High Court of Chancery in Ireland:

"Master's Examiner:" The Words "Master's Examiner" shall mean Clerk and Examiner to a Master in Ordinary of the High Court of Chancery in Ireland:

"Bill of Complaint:" The Words "Bill of Complaint and Bill" shall mean also and include Information:

"Plaintiff:" The Word "Plaintiff" shall include Informant:

"Suit:" The Word "Suit" shall include Cause, Matter, or other Proceeding:

"Affidavit:" The Word "Affidavit" shall include Affirmation and Attestation upon Honour; and the Word "sworn" shall include affirmed and attested upon Honour:

"Lunatic:" The Word "Lunatic" shall include Idiots and Persons of unsound Mind, and whether found such by Inquisition or not:

"General Order." The Words "General Order of the Court" shall mean a General Order made in the Manner herein-after provided.

4. This Act shall consist of Five Parts:—

Part I. shall relate to the Appointment of a Vice-Chancellor:

Part II. to the Abolition of the Office of Master in Ordinary of the Court of Chancery:

Part III. to Procedure and Practice:

Part IV. to Stamps and Fees:

Part V. to miscellaneous Matters.

PART

PART I.

PART I.

Appointment of a Vice-Chancellor, &c.

Appointment of Vice-Chancellor, &c.

5. It shall be lawful for Her Majesty to nominate and appoint, by Letters Patent under the Great Seal of Ireland, a fit Person, being or having been a Barrister-at-Law of *Fifteen Years* standing at the least, to be a Judge Assistant to the Lord Chancellor in the Discharge of the Judicial Functions of his Office, such additional Judge to be called the Vice-Chancellor of Ireland: Provided that no Vice-Chancellor appointed under this Act shall during his Tenure of Office be capable of sitting in the House of Commons.

Appointment of Vice-Chancellor. 53 G. 3. c. 24.

6. From Time to Time, when and as any Vacancy shall occur in the Office of the Vice-Chancellor who shall be appointed under this Act, by the Death, Resignation, or Removal from Office of such Vice-Chancellor or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of Ireland, to appoint a fit Person, being or having been a Barrister-at-Law of *Fifteen Years* standing at the least, to supply such Vacancy.

Appointment of Successors of Vice-Chancellor. 5 Vict. c. 5. s. 20.

7. Every such Vice-Chancellor shall have full Power to hear and determine all Suits which are or shall be at any Time depending in the Court of Chancery in Ireland, as a Court of Equity, or incident to any ministerial Office of the said Court, or which shall have been or shall be submitted to the Jurisdiction of the said Court or of the Lord Chancellor, by the special Authority of any Act of Parliament, as the Court shall from Time to Time, by any General Orders, to be made as by this Act provided, direct; and all Decrees, Orders, and Acts of such Vice-Chancellor so made or done shall be deemed or taken to be respectively, as the Nature of the Case shall require, Decrees, Orders, and Acts of the said Court of Chancery, or of such incident Jurisdiction as aforesaid, or under such special Authority as aforesaid, and shall have Force and Validity and be executed accordingly, subject nevertheless to be afterwards reversed or altered in like Manner as if they were Decrees, Orders, or Acts of the Lord Chancellor or the Master of the Rolls; and no such Decree or Order shall be enrolled until the same shall be signed by the Lord Chancellor.

Jurisdiction and Powers of Vice-Chancellor. 53 G. 3. c. 24. s. 2. 5 Vict. c. 5. s. 22.

8. Every such Vice-Chancellor shall sit for the Lord Chancellor, whenever he shall require him so to do.

To sit for Lord Chancellor when required. 5 Vict. c. 5. s. 23.

9. The Vice-Chancellor shall have Rank and Precedence next after the Lord Justice of the Court of Appeal in Chancery in Ireland,

Rank and Precedence of the Vice-Chancellor.

Ireland, provided the latter shall not have held the Office of Lord High Chancellor of Ireland; and in case the Lord Justice of the Court of Appeal for the Time being shall have held the Office of Lord High Chancellor of Ireland, then the Vice-Chancellor shall have Rank and Precedence next after the Chief Baron of Her Majesty's Court of Exchequer in Ireland.

To hold Office during good Behaviour. 5 Vict. c. 5. s. 27.

10. Every Vice-Chancellor shall hold his Office during his good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Vice-Chancellor from his Office upon an Address of both Houses of Parliament.

Oath of Vice-Chancellor. 5 Vict. c. 5. s. 28.

11. Every Vice-Chancellor shall, previous to his executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I do solemnly and sincerely promise and swear,
'That I will duly and faithfully, and to the best of my Skill and
'Power, execute the Office of Vice-Chancellor.
'So help me GOD.'

Appointment of Chief Clerks. 15 & 16 Vict. c. 80. s. 16.

12. It shall be lawful for the Master of the Rolls and the Vice-Chancellor for the Time being respectively, with the Approbation of the Lord Chancellor, to appoint One Chief Clerk each, to be respectively attached to each such Judge and his Successors in Office, for the Purpose of assisting in the general Business of each Court and the Suits belonging thereto, and on any Vacancy in such Office of Chief Clerk to supply such Vacancy.

Qualification of Chief Clerks. 15 & 16 Vict. c. 80. s. 17.

13. No Person shall be appointed Chief Clerk to the Master of the Rolls or the Vice-Chancellor unless he shall have been admitted on the Roll of Solicitors or Attorneys in One of the Superior Courts at Dublin, and practised as such Solicitor or Attorney for the Period of *Ten Years* at least immediately preceding his Appointment, or shall have held the Office of Master's Examiner in the Court of Chancery in Ireland.

Appointment of Junior Clerks. 15 & 16 Vict. c. 80. s. 18.

14. It shall be lawful for the Master of the Rolls and the Vice-Chancellor respectively, subject to the Provision herein-after contained as to the Appointment of the First Junior Clerks, pursuant to this Act, to appoint Two Junior Clerks to the Chief Clerk of his Court, and on any Vacancy to supply such Vacancy.

Not to take Fees or

15. If any Person who shall accept any Office under this Act shall engage in any other Employment whatever whilst he holds such

such Office, or shall receive any Sum of Money or Benefit, other than his Salary, and what may be allowed or directed to be taken by him under any Act of Parliament or Order of the said Court, for any Act done or pretended to be done, or any Attendance given or pretended to be given, either with or without the Consent or Direction or pretended Consent or Direction of the Judge, in relation to or arising out of any Proceeding in his Office or in any Office of or connected with the Court of Chancery; or if such Person, being or having been a Solicitor or Attorney, shall directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by order of the Lord Chancellor, and shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the said Court.

Profits, save Salary. 15 & 16 Vict. c. 80. s. 19.

16. Every Solicitor or Attorney who shall be appointed to and shall accept Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at Dublin on which his Name may be.

Solicitor accepting Office to cease to be Solicitor. 15 & 16 Vict. c. 80. s. 20.

17. Every such Chief Clerk shall hold his Office during his good Behaviour, and so long as he shall personally attend to and conduct himself honestly and faithfully in the Execution of the Duties of his Office, but subject to the Power herein-after contained to remove any Chief Clerk for any Cause which the Lord Chancellor and the Judge to whose Court he shall be attached may think sufficient.

Tenure of Office of Chief Clerk and of Junior Clerk. 15 & 16 Vict. c. 80. s. 21.

18. Every such Junior Clerk shall hold his Office at the Pleasure of the Judge to whose Court he shall be attached.

15 & 16 Vict. c. 80. s. 22.

19. Subject to the Regulations which shall be prescribed by the General Orders of the Court, the Chief Clerks and Junior Clerks shall be respectively under the Control of the Judge to whose Court they shall respectively be attached, and shall attend at such Places, during such Times, and for such Hours in each Day, and perform such Duties, as such Judge shall from Time to Time direct.

Chief and Junior Clerks to be under Control of Judge. 15 & 16 Vict. c. 80. s. 23.

20. Every Chief Clerk and every Junior Clerk to be appointed under this Act shall be subject and liable to such and the same Obligations, Prohibitions, and Penalties, so far as the same are not inconsistent with the Provisions of this Act, as are by an Act passed in the Session holden in the Fourth Year of the Reign of

Chief and Junior Clerks subject to the same Penalties as are imposed by Act 4 G. 4. c. 61.

King George the Fourth enacted with respect to Persons holding any of the Offices in the Court of Chancery therein specified, in the same Manner as if the Enactments therein contained relating to such Officers of the said Court respectively were here repeated.

Removable by Order of Chancellor and Master of Rolls or Vice-Chancellor.
15 & 16 Vict. c. 80. s. 25.

21. It shall be lawful for the Lord Chancellor, with the Concurrence of the Judge to whose Court such Chief Clerk shall be attached, by an Order to remove any such Chief Clerk, without stating any Cause for such Removal.

Salaries of Chief and Junior Clerks.
15 & 16 Vict. c. 80. s. 44.

22. There shall be paid to every such Chief Clerk, in the first instance, the net yearly Salary of *Eight hundred Pounds*, to be increased every Year of Service by the net annual Sum of *Twenty-five Pounds* until the yearly Salary of such Chief Clerk shall amount to the net yearly Salary of *One thousand Pounds;* and to every such Junior Clerk, in the first instance, the net yearly Salary of *Two hundred and fifty Pounds*, to be increased in like Manner by the net annual Sum of *Ten Pounds* until the yearly Salary of each Junior Clerk shall amount to the net yearly Salary of *Three hundred and fifty Pounds;* and the said Salaries respectively shall be free from all Taxes and Deductions, except in respect of Income Tax, and shall be paid out of the Funds and in the Manner herein-after provided.

Salary of Vice-Chancellor.

23. *There shall be paid to the Vice-Chancellor for the Time being the net yearly Salary of Four thousand Pounds, which Salary shall issue and be payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be free from all Taxes and Deductions, except in respect of Income Tax, and shall be paid quarterly on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, by equal Portions, and the first of such Payments, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Vice-Chancellor, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Vice-Chancellor such Vice-Chancellor, his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Time of the Commencement of such Salary, or from the last quarterly Day of Payment thereof, to the Time of such Resignation, Death, or Removal from Office.*

24. *Her*

Retiring Pension to Vice-Chancellor. 5 Vict. c. 5. s. 36.

24. *Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Vice-Chancellor, in pursuance of this Act, an Annuity not exceeding to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Vice-Chancellor, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Vice-Chancellor was payable; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the said Sum of ; provided also, that no Annuity granted to any Person having executed the Office of Vice-Chancellor under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of a Judge in One or more of Her Majesty's Superior Courts, or Judge of Her Majesty's Court of Probate in Ireland, or Judge of the Landed Estates Court, or of Master in Ordinary of the said Court of Chancery, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.*

Appointment of Court Keeper, Crier, and Tipstaffs.

25. It shall be lawful for the Vice-Chancellor to be appointed under this Act, and his Successors in Office, from Time to Time to appoint a Court Keeper, Crier, and Tipstaff, to be respectively attached to his Court, and the Salaries of the Persons so to be appointed shall be of such respective Amounts as the Lord Chancellor and the Commissioners of Her Majesty's Treasury shall in each

Case determine; and such Salaries shall be paid to each Person so to be appointed out of the Funds herein-after mentioned.

Appointment of a Chief Clerk by Lord Chancellor.

26. If it shall appear to the Lord Chancellor that the Business of his Court or of the Court of Appeal shall render it necessary or expedient that a Chief Clerk and Junior Clerks should be appointed, to be attached to the Lord Chancellor and his Successors in Office, for the Purpose of assisting in the general Business of his Court and of the said Court of Appeal, and these Suits belonging to his Court, and in any Matters belonging to or reserved for his Jurisdiction, it shall be lawful for the Lord Chancellor, with the Assent of the Commissioners of Her Majesty's Treasury, to appoint One Chief Clerk and Two Junior Clerks, and on any Vacancy in such Offices to supply such Vacancy; and every Chief Clerk and Junior Clerk so to be appointed shall be entitled to the like Salaries, Allowances, and Benefits, and have all the Powers of a Chief Clerk to the Master of the Rolls or the Vice-Chancellor, but shall be under the Control of the Lord Chancellor; and all the Provisions herein-before contained with reference to the Jurisdiction, Powers, and Duties of the Master of the Rolls and the Vice-Chancellor respectively, and their respective Chief Clerks and Junior Clerks, shall extend and be applicable to the Lord Chancellor and his Chief Clerk and Junior Clerk, and their Jurisdiction, Powers, and Duties respectively.

Power to appoint additional Chief Clerks or Assistant Clerks.

27. In case it shall appear to the Lord Chancellor that the State of Business in the Court shall render it necessary or expedient to appoint an additional Chief Clerk or additional Junior Clerks to the Master of the Rolls and the Vice-Chancellor, or to either of them, it shall be lawful for the Lord Chancellor, with the Consent of the Master of the Rolls and the Vice-Chancellor, or One of them, and subject to the Approbation of the Commissioners of Her Majesty's Treasury, to direct that there shall be attached to the Master of the Rolls or the Vice-Chancellor, as the Case may be, such additional Chief Clerk or additional Junior Clerks as aforesaid; and thereupon it shall be lawful for the Judge to whose Court such Chief Clerk or Junior Clerk shall be attached to appoint in manner aforesaid such additional Chief Clerk or Junior Clerk, as the Case may be, and on any Vacancy in such Office of additional Chief Clerk or Junior Clerks to supply such Vacancy; and every Chief Clerk or Junior Clerk so appointed shall hold his Office by the like Tenure, have the like Powers, and be entitled to the like Salaries and Benefits, and subject to the like Responsibilities as any Chief Clerk or Junior Clerk appointed under this Act.

PART

PART II.

Masters Abolition.

Office of Master, except that of Receiver Master, abolished. 15 & 16 Vict. c. 80. s. 1.

28. The Office of Master in Ordinary of the said Court of Chancery, except the Office of Receiver Master of the said Court, which shall be maintained for the Performance of certain special Duties, as herein-after provided, shall be and the same is hereby abolished, but reserving and subject to the Execution by the present Masters in Ordinary of the said Court whose Offices are hereby abolished of the Duties herein-after provided for; and until they are released under this Act they shall for the Performance of such Duties continue to have all the Powers conferred upon them by any Act of Parliament, or otherwise vested in them.

Vacancies not to be filled. 15 & 16 Vict. c. 80. s. 2.

29. No Vacancy which has already occurred or may hereafter occur in the Office of Master in Ordinary of the said Court, other than that of Receiver Master, shall be filled up; and no Vacancy which has already occurred or may hereafter occur in the Office of Master's Examiner, Assistant Clerk, or Registrar to such Master, other than the Receiver Master, shall be filled up, save in the temporary Manner herein-after provided.

Masters may be released. 15 & 16 Vict. c. 80. s. 3.

30. So often as in the Judgment of the Lord Chancellor from the State of Business in the said Court any Master whose Office is hereby abolished can be spared, it shall be lawful for the Lord Chancellor from Time to Time to release any such Master from his or their Duties as such at such Time or Times as to him shall seem meet, and thereupon, or upon the Death or Resignation of such Master previously to his being so released, the Offices of Master's Examiner, Assistant Clerk, and Registrar to such Master shall be abolished.

Released Masters to be entitled to Salaries. 15 & 16 Vict. c. 80. ss. 5. and 6.

31. Each one of the Masters to be released shall nevertheless continue entitled to receive during his Life, by way of retiring Pension, the full Amount of his Salary as such Master; and the Salaries or retiring Pensions payable to the Masters so to be released shall continue to be made payable out of the same Funds, on the Days, and in the same Manner in all respects as their present Salaries.

Power to Masters to summon Parties, &c., and to settle and wind up Proceedings before them. 15 & 16 Vict. c. 80. s. 7.

32. In order as expeditiously as may be to wind up all the Suits which may from Time to Time be depending before or have been referred to any of the Masters in Ordinary of the said Court whose Office is hereby abolished, it shall be lawful for every such Master, at any Time after the passing of this Act, to summon as he shall deem fit all or any of the Parties to any Suit so depending, or their Solicitors, and thereupon to proceed with such Suit, and give such

Directions and make such Order as he may think necessary for the Purpose of settling and winding-up the same; but any such Order shall be subject to be discharged or varied by the Lord Chancellor upon Application made for that Purpose; and the Master shall be at liberty to proceed for the Purposes aforesaid in the Absence of any of the Parties or Solicitors neglecting or refusing to attend the Summons.

Notwithstanding Suit abated or defective, Master may proceed. 17 & 18 Vict. c. 100. s. 1.

33. Upon a Suit in which any Proceeding may from Time to Time be depending before any such Master becoming abated by Death, Marriage, or otherwise, or becoming defective by reason of some Change or Transmission of Interest or Liability, it shall be lawful for such Master, notwithstanding that the Suit has become abated or defective, to summon, as he shall deem fit, all or any of the Parties to the Suit or Proceeding, or their or any of their Solicitors, and to require and obtain from them or any of them such Information as may to him seem necessary or proper respecting the Abatement of the Suit, or respecting the same having become defective, and the Change or Transmission of Interest or Liability, and respecting the Person or Persons by and against whom the Suit and Proceedings ought to be revived, or the Decree or Order carried on and prosecuted, for which Purpose such Master shall be at liberty to proceed in the Absence of any of the Parties or Solicitors neglecting or refusing to attend to his Summons.

Master may certify Change of Interest. 17 & 18 Vict. c. 100. s. 2.

34. In case such Master shall by the Means aforesaid or otherwise obtain sufficient Information for his Guidance in this Behalf, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability.

Certificate to have effect of Suggestion and Notice. 17 & 18 Vict. c. 100. s. 3.

35. The Master's Certificate shall be filed, and Notice thereof served by and upon such Person as the Master may direct; and the Person so served shall from the Time of such Service being made become a Party to the Suit, and be bound in all respects in the same Manner as if an Order of Revivor or a Supplemental Decree had been made upon a Bill or Cause Petition duly filed for that Purpose.

If Master unable to obtain Information, the Lord Chancellor may dispose of Suit. 17 & 18 Vict. c. 100. s. 4.

36. In case such Master shall not be able to obtain sufficient Information for his Guidance in certifying as aforesaid, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability, and that by reason thereof he is unable to dispose of the Proceeding pending before him in the Suit; upon which Certificate the Lord Chancellor shall make such Order as he shall think proper on all or any of the Parties, for the further Prosecution of

of the Suit, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

Power to Lord Chancellor, upon Master's Report or Certificate, to make Order for Prosecution or final Disposal of any Suit, &c., and for Payment of Costs, &c. 15 & 16 Vict. c. 80. s. 8.

37. In case such Master shall be unable, by reason of the Conduct of Parties or otherwise, to finally dispose of any Suit, he shall be at liberty to dispose of any Part thereof within his Power, and to report or certify on the whole of the Case; and upon such Report or Certificate the Lord Chancellor shall make such Order as he shall think proper on all or any of the Parties, for the further Prosecution of the Suit, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

Master may certify specially any Decision. 17 & 18 Vict. c. 100. s. 7.

38. In any Suit which may from Time to Time be pending before or have been referred to any Master, he shall be at liberty to certify specially any Decision at which he may arrive, or any other Matter relating thereto, in order to obtain a Decision or Direction by or from the Lord Chancellor for his Guidance in the further Proceedings, or to enable any Party to obtain the Opinion of the Court with reference thereto.

In case of Neglect, &c. of Parties or Solicitors, the Solicitor for Minors and Lunatics may proceed. 15 & 16 Vict. c. 80. s. 9. 17 & 18 Vict. c. 100. s. 5.

39. In the event of the Parties or their Solicitors refusing or neglecting, within a Time to be fixed by the Master, to file or to bring before the Lord Chancellor any such Certificate or Report as aforesaid, or to serve any Order when drawn up as aforesaid, then, by the Direction of the Master, the Certificate or Report may be filed or brought before the Lord Chancellor, or the Order may be served by the Solicitor for the Time being in the Matter of Minors and Lunatics; and the Lord Chancellor is hereby empowered to order Payment of the Costs and Expenses of the Solicitor in the Matter of Minors and Lunatics out of such of the Funds in the Suit or by such Parties as to him shall seem just, and in case Payment thereof cannot be obtained by any of the Means aforesaid, the same, by the Direction of the Lord Chancellor, may be paid out of the Suitors Fee Fund.

No further References to be made to Masters, but Masters to finish Business at present pending. 15 & 16 Vict. c. 80. s. 10.

40. From and after the *First Day of* *One thousand eight hundred and* no Reference shall be made to any of the Masters in Ordinary of the said Court, except in Cases in which, from some previous Reference made to the Suit, or in some other Suit connected therewith, the Court may think it expedient to make such Reference, and, except in the Case of the Receiver Master, such References as are herein-after directed: Provided always, that the said Receiver Master and the other Masters in Ordinary of the said Court, until they shall have been removed, by Resignation, Death, or otherwise, or have been released

released from their Duties under this Act, shall prosecute all the Business which on the *First Day of* *One thousand eight hundred and* shall be pending before the Masters, and also all the References which before the said *First Day of* *One thousand eight hundred and* shall have been made under Decrees, Decretal or other Orders of the Court, or which on or after the *First Day of* shall be made in relation to such excepted Matters as aforesaid, and the same, if necessary, shall from Time to Time be distributed amongst or prosecuted by such remaining Masters and the said Receiver Master, and his Successors in Office, in such Manner as the Lord Chancellor shall direct; and the Powers and Authorities now vested in them are hereby reserved to them for the Purpose of executing and performing all the Duties, Matters, and Things which may be still referred to them, or which they may be lawfully called upon to perform.

On Retirement of Masters, their Examiners and Clerks to be entitled to retiring Pensions. 15 & 16 Vict. c. 80. s. 46.

41. It shall be lawful for every Person who on the *First Day of* *One thousand eight hundred and* held the Office of Master's Examiner, Assistant Clerk, or Registrar to any of the Masters in Ordinary of the said Court of Chancery whose Office is by this Act abolished, and who shall not be assigned to discharge any of the Duties mentioned in the next succeeding Section, upon the Master to whom he shall be such Master's Examiner, Assistant Clerk, or Registrar being released from the Duties as such Master under the Authority of this Act, or upon the Death or Resignation of any such Master previously to his being so released, to continue to be entitled to receive during his Life the same retiring Allowance as he would be entitled to under the Provisions of the "Court of Chancery (Ireland) Regulation Act, 1850," if he had duly retired therefrom on account of Disability; the Provisions of the Thirty-eighth and Thirty-ninth Sections of the said Act in relation to retiring or Superannuation Allowances shall, so far as each such Person is concerned, be deemed to extend to and include the Case of a Person ceasing to hold such Office by reason of its Abolition under this Act.

Examiners, Assistant Clerks, and Registrars to the Masters, until Retirement under the "Chancery (Ireland) Regulation Act, 1850," to discharge Duties assigned to them by

42. Every Master's Examiner, Assistant Clerk, and Registrar attached to the Office of any of the Masters mentioned in the last preceding Section of this present Act, and who shall not be appointed to any Office or Employment under this Act, shall, notwithstanding the Removal by Death, Resignation, or otherwise of the Master to whose Office he is attached, or the Release of such Master, pursuant to this Act, be liable, until he shall retire, pursuant to the Provisions of the "Court of Chancery (Ireland) Regulation Act, 1850," to discharge any other Duties connected with the Business of the Court, or the Arrangement and Classification of the Records of the said Court, as shall be assigned to him by a General Order

Order of the Court; and that such Master's Examiner, Assistant Clerk, and Registrar shall, so long as he shall be retained for the Discharge of all or any of the Duties last aforesaid, be entitled to receive the full Amount of his Salary as such Master's Examiner, Assistant Clerk, or Registrar, such Salary to be paid and payable out of the same Funds and in the same Manner in all respects as their present Salaries: Provided always, that if any Master's Examiner, Assistant Clerk, or Registrar shall decline to undertake the Execution of such Duties as before mentioned, when called upon so to do, being then in a competent State of Health, he shall forfeit any Benefits to which he might otherwise be entitled under this Act. General Order of the Court.

43. There shall be attached to the said Court a Second Assistant Registrar who shall hold his Office upon the same Terms and with such Power, in all respects as are provided by a Statute passed in the Fourth Year of His late Majesty King George the Fourth, intituled "An Act for the better Administration of Justice in the "Court of Chancery in Ireland," in relation to the Principal Registrars of the said Court, and every such Assistant Registrar shall discharge such Duties in connection with the Business of the said Court as shall be assigned to him by General Order of the Court; and there shall be paid to every such Assistant Registrar the net yearly Salary of , which Salary shall be paid free from all Deductions, except in respect to Income Tax; and the Lord Chancellor shall tender to each of the Masters Examiners, according to his Seniority in Office, the Option of accepting the said Office of Assistant Registrar; and if such Master's Examiner shall, for One Calendar Month after such Option tendered to him, neglect or decline to avail himself thereof, then the Lord Chancellor may tender the like Option to the Examiner next in succession as aforesaid, and so toties quoties; and in case any of the said Examiners shall accept the said Option, the Lord Chancellor shall thereupon appoint the Person so accepting to be an Assistant Registrar of the Court, pursuant to this Act; and the Court shall have Power, by General Orders, to regulate the Distribution of Business among the Offices of the said Masters, and to attach any Officer at present attached to any Master in Ordinary to any other Master, and in all respects to prescribe and regulate the Duties of such Officers; and in case all the Masters Examiners shall neglect or decline to avail themselves of the said Option, the Tender shall be repeated in like Order, and every Master's Examiner who neglects or declines to avail himself of the said Option a Second Time shall forfeit his Right to receive any retiring Allowance under the "Court of Chancery (Ireland) Regulation Act, 1850," or this Act; and in case all the Masters Examiners shall neglect or decline to avail themselves of said Option a Second Time, it shall be lawful for the

Appointment of Second Assistant Registrar.

Option to Masters' Examiners to accept it according to Seniority.

the Lord Chancellor to appoint One of the Clerks or Assistant Clerks in the Registrar's Office, or some fit or proper Person, having such Qualification as is herein-before prescribed in respect of Persons to be appointed Chief Clerks of the Master of the Rolls and the Vice-Chancellor, to fill the Office of Assistant Registrar of the said Court, pursuant to this Act.

The Registrars and Assistant Clerks to Masters to have the Option of accepting the Place of Junior Clerks.

44. The Master of the Rolls and the Vice-Chancellor respectively, before making any Appointment to the Office of Junior Clerk, pursuant to this Act, shall be bound in the first instance to tender to each of the Assistant Clerks and Registrars attached to the Masters whose Offices are by this Act abolished, according to the Seniority in Office of such Assistant Clerks and Registrars respectively, the Option of accepting the Office of Junior Clerk; and in case the Person or Persons entitled to the first Option, pursuant to this Act, shall, for One Week after such Option shall have been tendered to him or them, neglect to avail himself or themselves thereof, then the like Option shall be tendered to such of the before-mentioned Officers as are next in Seniority as aforesaid, and so toties quoties; and in case any of the said Officers shall accept the said Option, the Judge to whose Court the said Office is attached shall appoint the Person so accepting to the Office of Junior Clerk in his Court; and in every such Case, and in case the Office of Master's Examiner, Assistant Clerk, or Registrar to any of the said Masters shall at any Time hereafter become vacant, it shall be lawful for the Lord Chancellor, with the Assent of the Lords Commissioners of Her Majesty's Treasury, to make temporary Provision for the Discharge of the Duties of the Office so vacated, by employing some other Officer or Clerk of the Court of Chancery to fill such Office, until the Master in whose Office such Vacancy shall occur shall be removed by Resignation, Death, or otherwise, or shall have been released from his Duties under this Act; and every Person so to be employed by the Lord Chancellor shall receive such Remuneration as the Lord Chancellor and Lords Commissioners of Her Majesty's Treasury shall fix, and shall be liable to perform the like Duties, and shall be subject to the same Obligations, Prohibitions, and Penalties as the Officer in whose Place he shall be employed; and if Four of the Assistant Clerks or Registrars of the said Masters shall not accept Junior Clerkships under this Act on the first Offer, the Junior Clerkships not accepted shall be tendered to said Assistant Clerks and Registrars again in like Order, and every Assistant Clerk and Registrar who shall decline to avail himself of the said Option a Second Time shall forfeit his Right to receive any retiring Allowance under the "Court of Chancery (Ireland) Regulation Act, 1850," or this Act: Provided always, that every Assistant Clerk accepting a Junior

a Junior Clerkship under this Act shall nevertheless retain his present Salary and hold his Office during his good Behaviour.

Assistant Registrar, Chief and Junior Clerks, to get Superannuations.

45. Every such Assistant Registrar and Chief Clerk to be appointed pursuant to this Act shall be deemed to be an Officer of the Court of Chancery in Ireland, and shall be entitled to the like retiring or Superannuation Allowances and upon the same Conditions as are provided for Officers by the Thirty-eighth Section of the "Court of Chancery (Ireland) Regulation Act, 1850;" and every Junior Clerk to be appointed pursuant to this Act shall be entitled to the like Superannuation Allowance and upon the same Conditions as are provided by the Thirty-ninth Section of the "Court of Chancery (Ireland) Regulation Act, 1850;" and the said retiring and Superannuation Allowances shall be paid out of the same Funds as are in the said Act specified, subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout: Provided always, that in case any Person at present holding any Office or Employment in the Court of Chancery shall be appointed to the Office of Assistant Registrar, Chief Clerk, or Junior Clerk, under this present Act, the Period during which he has served in the said first-mentioned Office or Employment shall be taken into account and allowed in estimating the Period at which he shall be entitled to retire from the Office of Assistant Registrar, Chief Clerk, and Junior Clerk, pursuant to this Act, and the Amount of the Superannuation Allowance to which he shall be entitled.

On Appointment of Masters or Examiners to Office, &c., the retiring Pension under this Act to be regulated by the Salary, &c. of such Office. 15 & 16 Vict. c. 80. s. 50.

46. If at any Time hereafter any of the Masters in Ordinary of the said Court whose Office is hereby abolished, or any of their Examiners, Assistant Clerks, or Registrars, shall be appointed to and shall accept any Office or Employment under this Act, or connected with any Court of Law or Equity, or under the Crown, or in any public Department under the Crown, and if the Salary attached to such Office or Employment, or any retiring Pension or Allowance in respect thereof, shall equal or exceed in Amount the retiring Pension or Compensation payable to such Master, Examiner, Assistant Clerk, or Registrar under this Act, such last-mentioned retiring Pension or Compensation shall during the Continuance of such Master, or such Examiner, Assistant Clerk, or Registrar, in such Office or Employment, or so long as he shall be in the Receipt of any retiring Pension or Allowance in respect thereof equal to or greater than his retiring Pension or Compensation under this Act, cease to be payable to such Master, or such Examiner, Assistant Clerk, or Registrar, as the Case may be; and if the Salary attached to such Office, or the retiring Pension or Allowance in respect thereof, shall be less than the Amount of such

Master's retiring Pension, or the Compensation payable under this Act to such Examiner, Assistant Clerk, or Registrar, such retiring Pension or Compensation under this Act shall be reduced by the Amount of such Salary or of such retiring Pension or Allowance, as the Case may be.

Appropriation of Masters Offices. 15 & 16 Vict. c. 80. s. 51.

47. Such of the Masters Offices as shall not be assigned by the Lord Chancellor as Chambers for the Masters of the Rolls and Vice-Chancellors respectively, under the Provisions herein-after contained, shall be appropriated to such other Purposes connected with the Court of Chancery as the Lord Chancellor may from Time to Time direct.

Rights and Establishments of the present Masters to continue till released. 15 & 16 Vict. c. 80. s. 58.

48. Nothing herein contained shall prejudice or affect the Title of the present Masters in Ordinary of the said Court whose Offices are hereby abolished to the Salaries payable to them as such Masters unless and until they shall be respectively released under this Act, or the Power of the Lord Chancellor to order a retiring Allowance to any of them, or any of their Examiners and Clerks, who may be or become afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same; and every of the said Masters in Ordinary of the Court, until released under this Act, shall have the Establishment of Officers provided for by this Act, whose Salaries and Compensation shall be payable out of the same Funds as the Salaries and Compensations of such Officers are now payable, and all the Expenses attending the Establishment of the Masters Offices shall be paid in like Manner as such Expenses are now paid.

Office of Receiver Master preserved.

49. That the Office of Receiver Master shall be maintained for the Discharge of the Duties herein-after specified; and that Gerald Fitzgibbon, Esquire, the present Receiver Master of the said Court, shall be the Receiver Master of the said Court, pursuant to this Act, and the said Gerald Fitzgibbon, and his Successors in the said Office, shall discharge the Duties herein-after specified: Provided always, that nothing in this Act contained shall be held to repeal or affect the Provisions of any Act or Acts, or any Law or Usage, relating to the Appointment, Salary, and retiring Annuities of the said Receiver Master, or his Successors in Office, or the Provisions of any Act or Acts relating to the Master's Examiner or Assistant Clerk, or the Establishment or Office of the said Master, or his Successors in Office.

Powers of Receiver Master.

50. The said Receiver Master, and his Successors in Office, shall, subject to any General Orders to be made as by this Act directed, continue to have, exercise, and perform all such Authorities,

rities, Powers, and Duties as shall upon the said First Day of One thousand eight hundred and be possessed, exercised, and performed by him, or any other Master in Ordinary of the said Court, with reference to Receivers, Receivers Accounts, and the Management of Estates under Receivers, and all other Matters relating to Receivers, and also all such and such other Authorities, Powers, and Duties as shall on the said First Day of One thousand eight hundred and be possessed, exercised, and performed, or shall be or have been imposed or conferred on him, or on any other Master, with respect to the auditing or keeping of any Accounts, or the Discharge of any other Duties in relation thereto: Provided always, that nothing in this Act contained shall affect the Power of the said Receiving Master in relation to the winding-up of any Suits which on the First Day of One thousand eight hundred and may be pending in his Office.

Duties of Receiver Master.

51. The Receiving Master under this Act, and his Successors in Office, shall, in addition to the Duties above mentioned, discharge such Duties with relation to the auditing of Accounts in Minor and Lunatic Matters and Causes, and the Management and Letting of the Estates of Minors and Lunatics, and the auditing of such other Accounts as the said Court shall by any General Orders to be made as by this Act provided direct.

References to Receiver Master.

52. It shall be lawful for the Lord Chancellor, the Master of the Rolls, the Vice-Chancellor, the Court of Appeal in Chancery, and the Masters to make such References to the said Receiver Master under this Act, and his Successors in Office, in relation to Receivers and the auditing of Accounts, and the Management and letting of Estates, as the Court shall by any General Orders to be made as by this Act provided direct, anything in this Act to the contrary notwithstanding.

Part III.

Procedure and Practice.

PART III.

Procedure and Practice.

Practice of engrossing Bills on Parchment discontinued, and printed Bills to be filed instead. 15 & 16 Vict. c. 86. s. 1.

53. From and after the Time herein-after appointed for the Commencement of this Act, the Practice of engrossing on Parchment Bills of Complaint and of filing such Engrossments shall be discontinued; and the Deputy Keeper of the Rolls shall receive and file a printed Bill of Complaint in lieu of an Engrossment thereof, in the same Manner as he now receives such Engrossment.

Writs of Subpœna to be abolished. 15 & 16 Vict. c. 86. s. 2.

54. The Writ of Subpœna to appear to and answer a Bill of Complaint in the said Court shall be abolished.

Defendants to be served with a printed Bill in lieu of the Writs of Subpœna. 15 & 16 Vict. c. 86. s. 3.

55. In lieu of serving the Defendant to a Bill of Complaint in the said Court with a Writ of Subpœna to appear to and answer the same, the Defendant shall be served with a printed Bill of Complaint, with an Endorsement thereon, in the Form or to the Effect set out in the Schedule (B.) to this Act, with such Variations as Circumstances may require, such printed Bill of Complaint so to be served being previously stamped with a proper Stamp by the Deputy Keeper of the Rolls in Ireland, indicating the filing of such Bill of Complaint, and the Date of the filing thereof.

The filing and Service of a printed Bill to have the same Effect as the filing and issuing of Writs of Subpœna. 15 & 16 Vict. c. 86. s. 4.

56. The filing of a printed Bill of Complaint in the said Court shall have the same Effect as the filing of a Bill of Complaint in the same Court and the issuing of a Subpœna thereon respectively now have, and the Service upon the Defendant of a printed Bill of Complaint so filed, with such Endorsement thereon, so stamped as aforesaid, shall have the same Effect as the Service on him of a Writ of Subpœna now has, and shall entitle the Plaintiff in such Suit to such Remedies for Default of Appearance and otherwise as he is now entitled to in case of due and proper Service of a Subpœna to appear to and answer a Bill of Complaint.

As to Service of printed Bill. 15 & 16 Vict. c. 86. s. 5.

57. The Service upon any Defendant of a printed Copy of a Bill of Complaint in the said Court shall be effected in the same Manner as Service of a Writ of Subpœna to appear to and answer a Bill of Complaint is now effected, save only that it shall not be necessary to produce the original Bill, which will be on the Files of the Court; provided that the Court shall be at liberty to direct substituted Service of such printed Bill in such Manner and in such Cases as it shall think fit.

Written Copies of Bills may be served, in certain Cases, upon Plaintiff undertaking to file a printed Copy in Fourteen Days. 15 & 16 Vict. c. 86. s. 6.

58. Notwithstanding the Provisions herein-before contained, the Deputy Keeper of the Rolls in Ireland may receive and file a written Copy of any Bill of Complaint, praying a Writ of Injunction or a Writ of Ne exeat regno, upon the personal Undertaking of the Plaintiff or his Solicitor to file a printed Copy of such Bill within *Fourteen Days*, and every Bill of Complaint so filed shall be deemed and taken to have been filed at the Time of filing the written Copy thereof; and a written Copy of any such Bill of Complaint, stamped as aforesaid, and with such Endorsement thereon as aforesaid, may be served on any Defendant thereto, and such Service shall have the same Effect as the Service of a printed Copy.

Plaintiff to deliver printed Copies of Bill at Rate

59. The Plaintiff in any Suit to be commenced by Bill in the said Court after the Time herein-after appointed for the Commencement of this Act shall be bound to deliver to the Defendant or his Solicitor,

Solicitor, upon Application for the same, such a Number of printed Copies of his Bill of Complaint, upon being paid for the same at such Rate as shall be prescribed by any General Order of the Court. prescribed by General Order. 15 & 16 Vict. c. 86. s. 7.

60. Upon the Amendment of any Bill of Complaint to be filed in the said Court after the Time herein-after appointed for the Commencement of this Act, the Provisions herein-before contained with respect to filing and serving and delivering printed Copies thereof shall, so far as may be, extend and be applicable to the Bill as amended; provided that where, according to the present Practice of the said Court in relation to Suits commenced by Bill, an Amendment of a Bill may be made without a new Engrossment thereof, or under such other Circumstances as shall be prescribed by any General Order of the Court, a Bill may be wholly or partially amended by written Alterations in the printed Bill of Complaint so to be filed as aforesaid. Provisions as to filing, &c. Prints of original Bill extended to Amendments. In certain Cases a printed Bill may be wholly or partially amended. 15 & 16 Vict. c. 86. s. 8.

61. Every Bill of Complaint to be filed in the said Court after the Time herein-after appointed for the Commencement of this Act shall contain, as concisely as may be, a Narrative of the material Facts, Matters, and Circumstances upon which the Plaintiff relies, such Narrative being divided into Paragraphs numbered consecutively, and each Paragraph containing, as nearly as may be, a separate and distinct Statement or Allegation, and shall pray specifically for the Relief which the Plaintiff may conceive himself entitled to, and also for general Relief; but such Bill of Complaint shall not contain any Interrogatories for the Examination of the Defendant. Bills of Complaint to contain concise Narratives of material Facts, &c. divided into numbered Paragraphs, but not to contain Interrogatories. 15 & 16 Vict. c. 86. s. 10.

62. Before the Name of any Person shall be used in any Suit in the said Court commenced by Bill as next Friend of any Infant, married Woman, or other Party, or as Relator in any Information, such Person shall sign a written Authority to the Solicitor for that Purpose, and such Authority shall be filed with the Bill or Information. Person whose Name is used as next Friend of any Infant, &c. in any Suit, &c. to sign a written Authority. 15 & 16 Vict. c. 86. s. 11.

63. No Demurrer to any Bill of Complaint shall be allowed, save only a Demurrer for Want of Equity, or for Multifariousness. Demurrers abolished except for Want of Equity, and Multifariousness.

64. No Plea to a Bill of Complaint shall be allowed, and all Defences to a Bill of Complaint which have heretofore been raised by Plea shall henceforth be raised by Answer to the Bill. Pleas abolished.

 65. Within

Interrogatories to be filed in the Office of the Deputy Keeper of the Rolls by the Plaintiff within Time prescribed. 15 & 15 Vict. c. 86. s. 12.

65. Within a Time to be limited by a General Order of the Court in that Behalf, the Plaintiff in any Suit in the said Court commenced by Bill may, if he requires an Answer from any Defendant thereto, file in the Office of the Deputy Keeper of the Rolls in Ireland Interrogatories for the Examination of the Defendant or Defendants, or such of them from whom he shall require an Answer, and deliver to the Defendant or Defendants so required to answer, or to his or their Solicitor, a Copy of such Interrogatories, or of such of them as shall be applicable to the particular Defendant or Defendants; and no Defendant shall be called upon or required to put in any Answer to a Bill unless Interrogatories shall have been so filed, and a Copy thereof delivered to him or his Solicitor, within the Time so to be limited, or within such further Time as the Court shall think fit to direct.

Defendants may answer without Leave within such Time as shall be fixed by a General Order, though not required so to do by Plaintiff, but after that Time Defendant must have Leave. 15 & 16 Vict. c. 86. s. 13.

66. Whether the Plaintiff in any Suit in the said Court commenced by Bill does or does not require any Answer from the Defendant or any One or more of the Defendants to the Bill, such Defendant or Defendants may, without any Leave of the Court, put in an Answer or Demurrer to the Plaintiff's Bill within such Time as shall be fixed by any General Order of the Court in that Behalf; but after that Time a Defendant or Defendants not required to answer the Plaintiff's Bill shall not be at liberty to put in an Answer or Demurrer to the Bill without Leave of the Court; provided that the Power of the Court to grant further Time for answering or demurring to any Bill, upon the Application of any Defendant or Defendants thereto, whether required to answer the Bill or not, shall remain in full Force, and shall not be in anywise prejudiced or affected; provided also, that if the Court shall grant any further Time to any Defendant for answering or demurring to the Bill, the Plaintiff's Right to move for a Decree under the Provisions hereinafter contained shall in the meantime be suspended.

Defendant's Answer may contain not only Answer to Interrogatories, but Statements material to his Case. 15 & 16 Vict. c. 86. s. 14.

67. The Answer of the Defendant to any Bill of Complaint in the said Court may contain, not only the Answer of the Defendant to the Interrogatories so filed as aforesaid, but such Statements material to the Case as the Defendant may think it necessary or advisable to set forth therein, and such Answer shall also be divided into Paragraphs numbered consecutively, each Paragraph containing as nearly as may be a separate and distinct Statement or Allegation.

Defendant not to take Objection for Want of

68. It shall not be competent to any Defendant in any Suit commenced by Bill in the said Court to take any Objection for Want of Parties to such Suit in any Case to which the Rules next herein-

herein-after set forth extend; and such Rules shall be deemed and taken as Part of the Law and Practice of the said Court, and any Law or Practice of the said Court inconsistent therewith shall be and is hereby abrogated and annulled.

Parties in any Case to which Rules herein set forth shall extend. 15 & 16 Vict. c. 86. s. 42.

Rule 1. Any Residuary Legatee or Next of Kin may, without serving the remaining Residuary Legatees or Next of Kin, have a Decree for the Administration of the Personal Estate of a deceased Person.

Rule 2. Any Legatee interested in a Legacy charged upon Real Estate, and any Person interested in the Proceeds of Real Estate directed to be sold, may, without serving any other Legatee or Person interested in the Proceeds of the Estate, have a Decree for the Administration of the Estate of a deceased Person.

Rule 3. Any Residuary Devisee or Heir may, without serving any Co-residuary Devisee or Co-heir, have the like Decree.

Rule 4. Any One of several Cestuis que Trust under any Deed or Instrument may, without serving any other of such Cestuis que Trust, have a Decree for the Execution of the Trusts of the Deed or Instrument.

Rule 5. In all Cases of Suits for the Protection of Property pending Litigation, and in all Cases in the Nature of Waste, One Person may sue on behalf of himself and of all Persons having the same Interest.

Rule 6. Any Executor, Administrator, or Trustee may obtain a Decree against any One Legatee, Next of Kin, or Cestui que Trust for the Administration of the Estate, or the Execution of the Trusts.

Rule 7. Any Mortgagee or other Incumbrancer on Land may have a Decree for a Foreclosure and Sale, or a Sale of the mortgaged Lands, without serving any other Mortgagee or Incumbrancer, or a Trustee for such Mortgagee or Incumbrancer, unless such Mortgagee, Incumbrancer, or Trustee is in the actual Possession or Receipt of the Rents and Profits of the mortgaged or incumbered Lands: Provided always, that a Person at whose Suit or for whose Benefit a Receiver or Sequestrator has been appointed or extended, or continues to receive the Rents and Profits of the Lands, shall not be deemed to be in Receipt of such Rents and Profits within the Meaning of this Rule.

Rule 8. In all the above Cases the Court, if it shall think fit, may require any other Person or Persons to be made a Party or Parties to the Suit, and may, if it shall see fit, give the Conduct of the Suit to such Person as it may deem proper, and may make such Order in any particular Case as it may deem just

for placing the Defendant on the Record on the same Footing in regard to Costs as other Parties having a common Interest with him in the Matters in question.

Rule 9. In all the above Cases the Persons who, according to the present Practice of the Court, would be necessary Parties to the Suit, shall be served with Notice of the Decree, and after such Notice they shall, unless Cause be shown to the contrary, within a Time to be limited by a General Order of the Court, be bound by the Proceedings in the same Manner as if they had been originally made Parties to the Suit, and they may by an Order of course have Liberty to attend the Proceedings under the Decree; and any Party so served may, within such Time as shall in that Behalf be prescribed by the General Order of the Court, apply to the Court to add to or vary the Decree.

Rule 10. In all Suits concerning Real or Personal Estate which is vested in Trustees under a Will, Settlement, or otherwise, such Trustees shall represent the Persons beneficially interested under the Trust, in the same Manner and to the same Extent as the Executors or Administrators in Suits concerning Personal Estate represent the Persons beneficially interested in such Personal Estate; and in such Cases it shall not be necessary to make the Persons beneficially interested under the Trusts Parties to the Suit; but the Court may, upon Consideration of the Matter, on the Hearing, if it shall so think fit, order such Persons or any of them to be made Parties.

Practice of setting down a Cause on Objection for Want of Parties abolished. 15 & 16 Vict. c. 86. s. 43.

69. The Practice of the said Court of setting down a Cause merely on an Objection for Want of Parties to the Suit shall be abolished.

Plaintiff may, on Expiration of Time for answering, but before Replication, move for a Decree or Decretal Order. Affidavits may be filed. 15 & 16 Vict. c. 86. s. 15.

70. The Plaintiff in any Suit commenced by Bill shall be at liberty, at any Time after the Time allowed to the Defendant for answering the same shall have expired (but before Replication), to move the Court, upon such Notice as shall in that Behalf be prescribed by any General Order of the Court, for such Decree or Decretal Order as he may think himself entitled to; and the Plaintiff and Defendant respectively shall be at liberty to file Affidavits in support of and in opposition to the Motion so to be made, and to use the same on the Hearing of such Motion; and if such Motion shall be made after an Answer filed in the Cause the Answer shall for the Purposes of the Motion be treated as an Affidavit.

71. Upon

Court may refuse to grant such Motion, or make Order for further Prosecution, &c. 15 & 16 Vict. c. 86. s. 16.

71. Upon any such Motion for a Decree or Decretal Order it shall be discretionary with the Court to grant or refuse the Motion, or to make an Order giving such Directions for or with respect to the further Prosecution of the Suit as the Circumstances of the Case may require, and to make such Order as to Costs as it may think right.

Practice of excepting to Bills, Answers, &c. for Impertinence abolished. Proviso as to Costs. 15 & 16 Vict. c. 86. s. 17. 13 & 14 Vict. c. 35. s. 27.

72. All Exceptions for Scandal and Insufficiency which according to the existing Practice of the Court in Suits commenced by Bill are referred to the Master of the Court shall be heard and determined by the Court itself, and the Practice of excepting to Bills, Answers, and other Proceedings in the said Court for Impertinence shall be and the same is hereby abolished: Provided always, that it shall be lawful for the Court to direct the Costs occasioned by any impertinent Matter introduced into any Proceeding in the said Court to be paid by the Party introducing the same, upon Application being made to the Court for that Purpose.

Court may order Defendant to produce Documents, &c. on Oath. 15 & 16 Vict. c. 86. s. 18.

73. It shall be lawful for the Court, upon the Application of the Plaintiff in any Suit in the said Court commenced by Bill, whether the Defendant may or may not have been required to answer the Bill, or may or may not have been interrogated as to the Possession of Documents, to make an Order for the Production by any Defendant upon Oath of such of the Documents in his Possession or Power relating to Matters in question in the Suit as the Court shall think right; and the Court may deal with such Documents, when produced, in such Manner as shall appear just.

In certain Cases Defendant, after Answer, may file Interrogatories for Examination of Plaintiff. 15 & 16 Vict. c. 86. s. 19.

74. It shall be lawful for any Defendant in any Suit commenced by Bill (but as to Suits in which the Defendant is required to answer not until after the Defendant shall have put in a sufficient Answer to the Bill), and without filing any Cross Bill of Discovery, to file in the Office of the Deputy Keeper of the Rolls in Ireland Interrogatories for the Examination of the Plaintiff, to which shall be prefixed a concise Statement of the Subjects on which a Discovery is sought, and to deliver a Copy of such Interrogatories to the Plaintiff or his Solicitor; and such Plaintiff shall be bound to answer such Interrogatories, in like Manner as if the same had been contained in a Bill of Discovery filed by the Defendant against him on the Day when such Interrogatories shall have been filed, and as if the Defendant to such Bill of Discovery had on the same Day duly appeared; and the Practice of the Court with reference to excepting to Answers for Insufficiency or for Scandal shall extend and be applicable to Answers put in to such Interrogatories: Provided always, that in determining the Materiality or Relevancy

of any such Answer, or of any Exception thereto, the Court is to have Regard to the Statements contained in the original Bill, and in the Answer which may have been put in thereto by the Defendant exhibiting such Interrogatories for the Examination of the Plaintiff: Provided also, that a Defendant, if he shall think fit so to do, may exhibit a Cross Bill of Discovery against the Plaintiff, instead of filing Interrogatories for his Examination.

Defendant may exhibit a Cross Bill instead of filing Interrogatories.

Upon Application of Defendant, after Answer, Plaintiff may be required to produce Documents on Oath. 15 & 16 Vict. c. 86. s. 20.

75. It shall be lawful for the Court, upon the Application of any Defendant in any Suit commenced by Bill, but as to Suits in which the Defendant is required to answer the Plaintiff's Bill not until after he has put in a full and sufficient Answer to the Bill, unless the Court shall make any Order to the contrary, to make an Order for the Production by the Plaintiff in such Suit, on Oath, of such of the Documents in his Possession or Power relating to the Matters in question in the Suit as the Court shall think right; and the Court may deal with such Documents, when produced, in such Manner as shall appear just.

Practice of issuing Commissions to take Answers, &c. within the Jurisdiction of the Court abolished. 15 & 16 Vict. c. 86. s. 21.

76. The Practice of the said Court, of issuing Commissions to take Answers, Disclaimers, and Examinations in Causes and Matters pending in the said Court, shall, with respect to Answers, Disclaimers, and Examinations taken within the Jurisdiction of the Court, be and the same is hereby abolished; and any such Answer, Disclaimer, or Examination may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

Master Extraordinary to cease to be so styled, and to be designated Commissioners. 16 & 17 Vict. c. 78. s. 1.

77. The Persons now styled Masters Extraordinary in Chancery shall cease to be so styled, and they, and all Persons hereafter appointed by the Lord Chancellor to execute the like Duties in Ireland, shall be designated "Commissioners to administer Oaths in Chancery in Ireland," and shall possess and exercise all such Powers and discharge all such Duties as now appertain to the Office of Master Extraordinary in Chancery by virtue of any Statute or Order of the Court of Chancery or of the Lord Chancellor, or Usage in that Behalf, or otherwise.

Clerk of Affidavits may administer Oaths and take Affirmations.

78. That from and after the Time appointed for the Commencement of this Act it shall and may be lawful for the Clerk of Affidavits in Chancery for the Time being, and he is hereby authorised and required, to administer Oaths and take Declarations, Affirmations, and Attestations of Honour in Chancery: Provided always, that the Clerk of Affidavits shall not be required, except under a special Order of the Court, to go out of his Office to administer

administer the said Oaths, or take the said Affirmations or Attestations of Honour, and that when the Clerk of Affidavits shall be required by any Order of the Court to attend out of the said Office for the Purposes aforesaid, the Charge for every such Attendance, together with the Rate of his Travelling Expenses, if any, shall be expressed in such Order of the Court; and that it shall and may be lawful for the Clerk of Affidavits to receive such Sum for his Attendance, and also such Rate of Travelling Expenses, as shall be expressed in such Order of the Court, and no other or greater Sum.

Commissioners may be appointed to administer Oaths for the Isle of Man and the Channel Islands. 16 & 17 Vict. c. 78. s. 3.

79. It shall be lawful for the Lord Chancellor from Time to Time to appoint any Persons practising as Solicitors in the Isle of Man and in the Channel Islands, or any of them, to administer Oaths, and take Declarations, Affirmations, and Attestations of Honour in Chancery, and to possess all such other Powers and discharge all such other Duties as aforesaid; and such Persons shall be styled "Commissioners to administer Oaths in Chancery," with the Addition of the Words "for the Isle of Man," or "for the Channel Islands," as the Case may be; and they shall be entitled to charge and take the same Fees as the said Commissioners to administer Oaths in Chancery.

Commissioners Appointment to bear a Chancery Stamp of in lieu of other Charges. 16 & 17 Vict. c. 78. s. 4.

80. The Fiat or Document by which any such Commissioners as aforesaid shall be appointed shall bear a Chancery Fund Stamp of , but no other Charge or Fee shall be made or be payable in respect of such Appointment, or of anything requisite to be done in order to perfect the same; and it shall not be necessary that any such Appointment should be published in the Dublin Gazette.

Nothing to lessen the Power of the Lord Chancellor. References to Masters Extraordinary in Acts to apply to Commissioners. 16 & 17 Vict. c. 78. s. 5.

81. Nothing herein contained shall abridge or lessen the Power of the Lord Chancellor, as it now exists, to appoint fit Persons to administer Oaths, and take Declarations, Affirmations, and Attestations of Honour in Chancery, or to regulate the Fees to be taken by them, and where any Act of Parliament refers to the Masters Extraordinary in Chancery, or to their Powers or Duties, the Reference shall be held to apply to and include the Commissioners herein-before mentioned, or to their Powers or Duties, as the Case may be.

Answers, Affidavits, &c. in Chancery, how to be sworn and taken in England, Scotland,

82. All Answers, Disclaimers, Examinations, Affidavits, Declarations, Affirmations, and Attestations of Honour, in Causes or Matters depending in the High Court of Chancery in Ireland, and also Acknowledgments required for the Purpose of enrolling any Deed in the said Court, shall and may be sworn and taken in

the Channel Islands, &c. 15 & 16 Vict. c. 86. s. 22.

England or Scotland, or the Isle of Man, or the Channel Islands, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions; and the Judges and other Officers of the said Court of Chancery shall take Judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, Person, Consul, or Vice-Consul, attached, appended, or subscribed to any such Answers, Disclaimers, Examinations, Affidavits, Affirmations, Attestations of Honour, Declarations, Acknowledgments, or other Documents to be used in the said Court.

Penalty for falsely swearing, &c. 15 & 16 Vict. c. 86. s. 23.

83. All Persons swearing, declaring, affirming, or attesting before any Person authorized by this Act to administer Oaths, and take Declarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested had been sworn, declared, affirmed, or attested before any Court or Person now by Law authorized to administer Oaths, and take Declarations, Affirmations, or Attestations upon Honour.

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act. 15 & 16 Vict. c. 86. s. 24.

84. If any Person shall forge the Signature or the Official Seal of any such Judge, Court, Notary Public, Consul or Vice-Consul, or other Person lawfully authorized to administer Oaths under this Act, or shall tender in Evidence any Answer, Disclaimer, Examination, Affidavit, or other Judicial or Official Document with a false or counterfeit Signature or Seal of any such Judge, Court, Notary Public, Consul or Vice Consul, or other Person authorized as aforesaid, attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Admission in Evidence of certain Official and other Documents."

Answer, &c. to be filed without Oath of Messenger. 15 & 16 Vict. c. 86. s. 25.

85. Answers, Disclaimers, or Examinations, whether taken by Commission out of the Jurisdiction of the said Court or otherwise, may be filed without the Oath of a Messenger, and any Alterations made therein previously to the taking thereof shall be authenticated according to the Practice now in use with respect to Affidavits.

86. In

Issue may be joined by filing Replication. 15 & 16 Vict. c. 86. s. 26.

86. In Suits in the said Court commenced by Bill, where Notice of Motion for a Decree or Decretal Order shall not have been given, or, having been given, where a Decree or Decretal Order shall not have been made thereon, Issue shall be joined by filing a Replication in the Form given in Schedule (B.) to this Act, or in such other Form as shall be prescribed by a General Order of the Court; and where a Defendant shall not have been required to answer and shall not have answered the Plaintiff's Bill he shall be considered to have traversed the Case made by the Bill.

Defendant not having been required to answer and not answering may move for Dismissal of Bill for Want of Prosecution. 15 & 16 Vict. c. 86. s. 27.

87. Where a Defendant to a Suit in the said Court commenced by Bill shall not have been required to answer the Bill, and shall not have answered the same, such Defendant shall be at liberty to move to dismiss the Bill for Want of Prosecution, at such Times, and under such Circumstances, and subject to such Restrictions as shall be in that Behalf prescribed by any General Order of the Court.

Practice of Court as to and Mode of examining Witnesses abolished.

88. The Mode of examining Witnesses in Suits in the said Court commenced by Bill, and all the Practice of the said Court in relation thereto, so far as such Practice shall be inconsistent with the Mode herein-after prescribed of examining such Witnesses, and the Practice in relation thereto, shall, from and after the Time appointed for the Commencement of this Act, be abolished: Provided always, that the Court may, in any Suit commenced by Bill, if it shall think fit, order any particular Witness or Witnesses within the Jurisdiction of the said Court, or any Witness or Witnesses out of the Jurisdiction of the said Court, to be examined upon Interrogatories in the Mode now practised in the said Court in such Suits; and that with respect to such Witness or Witnesses the Practice of the said Court in such Suits in relation to the Examination of Witnesses shall continue in full Force, save only as far as the same may be varied by any General Order of the Court in that Behalf, or by any Order of the Court with reference to any particular Case.

Court may order particular Witnesss to be examined upon Interrogatories. 15 & 16 Vict. c. 86. s. 28.

Judge may, upon Application, order that the Evidence as to certain Facts or Issues shall be taken vivâ voce at the Hearing.

89. When any Cause commenced by Bill shall be at issue, the Plaintiff or any Defendant may, within such Time as shall be fixed by a General Order of the Court, apply by Summons, to be served upon the opposite Party, for an Order that the Evidence in Chief as to any Facts or Issues, such Facts or Issues to be distinctly and concisely stated in the Summons, may be taken vivâ voce at the Hearing of the Cause; and that the Judge may make an Order that the Evidence in Chief as to such Facts and Issues, or any of them, shall be taken vivâ voce at the Hearing accordingly; and the

Facts and Issues as to which any such Order shall direct that the Evidence in Chief shall be taken vivâ voce at the Hearing shall be distinctly specified in such Order; but in case the Judge shall be satisfied that such Application is unreasonable, or made for the Purpose of Delay, Oppression, or Vexation, he may refuse to make any such Order; and where any such Order shall have been made the Examination in Chief as as well as the Cross-examination and Re-examination shall be taken before the Court at the Hearing as to the Facts and specified in such Order.

Evidence as to Facts not included in such Order as in last Section to be taken by Affidavit or Examination before the Examiner.

90. No Affidavit nor any Evidence taken before an Examiner shall be admissible at the Hearing of any such Cause as mentioned in the last preceding Section in respect of any Fact or Issue which shall be included in any Order directing Evidence in Chief to be taken vivâ voce at the Hearing, but, except as to the Facts or Issues included in such Order, each Party in a Cause in which Issue is joined shall be at liberty to verify his Case, either wholly or partially by Affidavit, or wholly or partially by the oral Examination of Witnesses ex parte before the Examiner of the Court, or an Examiner to be specially appointed by the Court or Judge.

Any Party in a Cause may by Subpœna require Attendance of any Witness at the Hearing.

91. Each Party shall be at liberty to sue out of the Office of the Clerk of Appearances and Writs Writs of Subpœna ad testificandum and Duces tecum to compel the Attendance at the Hearing of Witnesses whom he may desire to produce on any Issue or Matter of Fact included in such Order as is mentioned in the Eighty-ninth Section of this Act.

Any Party in a Suit may by Subpœna require Attendance of any Witness before an Examiner. 15 & 16 Vict. c. 86. s. 40.

92. Any Party in any Suit depending in the said Court shall be at liberty to sue out a Writ of Subpœna ad testificandum or Duces tecum to compel the Attendance of any Witness before an Examiner of the said Court, or before an Examiner specially appointed as aforesaid, and examine such Witness orally, for the Purpose of using his Evidence upon any Motion, Petition, or other Proceeding before the Court; and every such Witness shall be bound to attend for Examination and shall be examined in like Manner as he would be bound to attend and be examined with a view to the Hearing of a Cause in which Issue is joined.

Examination before the Examiner to be ex parte.

93. Except as herein-after provided, all Examinations taken by the Examiners of the Court, or by any special Examiner, for the Purpose of being used at the Hearing of a Cause in which Issue is joined, shall be taken ex parte, the Examiner being furnished by the Plaintiff with a Copy of the Bill and Answer, if any, in the Cause; and no Person shall have a Right to be present at the taking

taking of such Examination except the Party producing the Witness, his Counsel, Solicitor, and Agents; and every Deposition taken upon such Examination shall be deemed to be an Affidavit; and the Examiner, before transmitting the same to the Office of the Clerk of Affidavits, to be filed as herein-after provided, shall mark the same as taken ex parte.

Witnesses by Affidavit or who have been examined ex parte before the Examiner may be cross-examined.

94. Every Witness, whether a Party or not, who has made an Affidavit to be used at the Hearing of a Cause in which Issue is joined, or who has been examined ex parte before an Examiner with a view to such Hearing, and also every Person, whether a Party or not, having made an Affidavit to be used upon any Motion, Petition, or other Proceeding before the said Court, shall be subject to oral Cross-examination by any opposite Party, either before the Court, or, in the Cases herein-after provided, before an Examiner, and after such Cross-examination may be re-examined orally by or on behalf of the Party by whom such Affidavit has been filed or Witness examined; and such Witness shall be bound to attend before the Court or such Examiner, to be so cross-examined and re-examined, upon being served with a Writ of Subpœna ad testificandum or Duces tecum; and the Party by whom or on whose Behalf such Affidavit shall have been filed or Witness examined shall be bound to produce such Deponent or Witness before the Court or Examiner, as the Case may be, to be so cross-examined and re-examined, upon due and proper Notice for that Purpose being served upon such Party or his Solicitor; and unless such Deponent or Witness be produced accordingly such Affidavit or Examination shall not be used as Evidence, unless by special Leave of the Court: Provided always, that the Party required to produce such Deponent or Witness shall be entitled to demand the reasonable Expenses of the said Deponent or Witness, in the first instance, if not already paid to such Deponent or Witness, from the Party requiring such Production, but such Expenses shall ultimately be borne as the Court shall direct: Provided also, that upon the Hearing of any Motion, Petition, or other Proceeding the Court shall always have a discretionary Power of acting upon such Evidence as may be before it, and of making such Interim Orders, or otherwise, as may appear necessary to meet the Justice of the Case.

And the Party filing their Affidavits or producing them bound to produce them for this Purpose.

In Causes in which Issue is joined Cross-examination to be before the Court at the Hearing.

95. Except as herein-after provided, no Cross-examination of any Deponent or Witness, or of any Party, to be used at the Hearing of a Cause in which Issue is joined, shall be taken otherwise than before the Court at the Hearing.

 96. If

Parties may, by written Consent, agree that Examination or Cross-examination of Witnesses shall take place before the Examiner.

96. If at any Time after Issue joined the Parties shall, by Writing signed by them or their respective Solicitors, and filed at the Office of the Deputy Keeper of the Rolls, agree that the oral Examination in Chief, Cross-examination, and Re-examination of any Witness or Witnesses (whether a Party or Parties or not), or the Cross-examination and Re-examination of any Person or Persons who shall have made an Affidavit or Affidavits, or who shall have been examined ex parte before an Examiner, shall be taken before the Examiner of the Court or a special Examiner, such Examination, Cross-examination, and Re-examination may be taken accordingly; and in case by virtue of any such Agreement any Witness or Person shall be examined in chief before the Examiner or special Examiner, the Cross-examination and Re-examination of such Witness or Person shall be taken before the same Examiner or special Examiner, or his Successors in Office, and the Cross-examination and Re-examination of every Witness so examined in chief shall immediately follow his Examination in Chief.

Power to the Court or Judge in certain Cases to direct Examination and Cross-examination to take place before the Examiner.

97. The Court or the Judge may direct that the oral Examination, Cross-examination, and Re-examination of any Witness (whether a Party or not), or the Cross-examination and Re-examination of any Person who has been examined ex parte before an Examiner or made an Affidavit, shall be taken before an Examiner of the Court or a special Examiner, in case it shall appear to the Court or Judge that, owing to the Age, Infirmity, or Absence out of the Jurisdiction of such Witness or Person, or for any other Cause which to the Judge shall appear sufficient, it is expedient that such Direction should be given.

In Cases provided for by the last Section the Examination in Chief, Cross examination, and Re-examination to take place before the same Examiner.

98. In all such Cases as are provided for in the last Two preceding Sections the Examination in Chief, Cross-examination, and Re-examination of every such Witness or Person as therein respectively mentioned shall be taken before the same Examiner or special Examiner, or his Successor in Office; and the Cross-examination of every Witness or Person examined in chief shall immediately follow his Examination in Chief; and such Examination, Cross-examination, and Re-examination shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents, and shall be conducted as nearly as may be in the Mode now in use in Courts of Common Law with respect to a Witness about to go abroad, and not expected to be present at the Trial of a Cause.

In Suits to perpetuate Testimony Evidence to be taken according to present Practice.

99. In Suits to perpetuate Testimony Evidence shall continue to be taken according to the now existing Practice in Cases of Bills filed to perpetuate Testimony.

100. The

100. The Depositions taken upon any such oral Examination, Cross-examination, and Re-examination as aforesaid before an Examiner shall be taken down in Writing by the Examiner, not ordinarily by Question and Answer, but in the Form of a Narrative, and when completed shall be read over to the Witness, and signed by him: Provided always, that in case the Witness shall refuse to sign the said Depositions, then the Examiner shall sign the same, and such Examiner may, upon all Examinations, state any special Matter to the Court as he shall think fit; provided also, that it shall be in the Discretion of the Examiner to put down any particular Question or Answer, if there should appear any special Reason for doing so; and any Question or Questions which may be objected to shall be noticed or referred to by the Examiner in or upon the Depositions, and he shall state his Opinion thereon to the Counsel, Solicitors, or Parties, and shall refer to such Statement on the Face of the Depositions, but he shall not have Power to decide upon the Materiality or Relevancy of any Question or Questions; and the Court shall have Power to deal with the Costs of immaterial or irrelevant Depositions as may be just.

Depositions to be taken down in Writing, and read over to the Witness, who shall sign the same, but if he refuse to sign Examiner may, and state any special Matter he may think fit.
15 & 16 Vict. c. 86. s. 32.

101. If any Person produced as a Witness before any such Examiner shall refuse to be sworn or to answer any lawful Question put to him by the Examiner or by either of the Parties, or by his or their Counsel, Solicitor, or Agent, the same Course shall be adopted with respect to such Witness as is now pursued in the Case of a Witness produced for Examination before an Examiner of the said Court upon written Interrogatories, and refusing to be sworn or to answer some lawful Question: Provided always, that if any Witness shall demur or object to any Question or Questions which may be put to him the Question or Questions so put, and the Demurrer or Objection of the Witness thereto, shall be taken down by the Examiner, and transmitted by him to the Office of the Clerk of Affidavits of the said Court, to be there filed, and the Validity of such Demurrer or Objection shall be decided by the Court; and the Costs of and occasioned by such Demurrer or Objection shall be in the Discretion of the Court.

If Parties refuse to be sworn or to answer any lawful Questions, the same Course to be pursued as is now adopted.
Proviso as to Witness demurring to Questions.
15 & 16 Vict. c. 86. s. 33.

102. The Re-examination of a Witness shall in all Cases follow his Cross-examination, and shall not, except by Consent or special Order of the Court, be delayed to a future Time.

Re-examination of Witness to follow Cross-examination.

103. When the Examination or Cross-examination and Re-examination of Witnesses before any Examiner shall have been concluded, the original Depositions, authenticated by the Signature of such Examiner, shall be transmitted by him to the Office of the Clerk

Original Depositions to be transmitted to the Office of the Clerk of Affidavits.

15 & 16 Vict. c. 86. s. 34.

Clerk of Affidavits, to be there filed; and any Party to the Suit may have a Copy thereof, or of any Part or Portion thereof, upon Payment for the same, at such Time and in such Manner as shall be provided by any General Order of the Court in that Behalf.

Commission for Examination of Witnesses dispensed with, and Examiner empowered to administer Oaths.

104. It shall not be necessary to sue out any Commission for the Examination of any Witnesses within the Jurisdiction of the said Court; and any Examiner appointed by any Order of the Court shall have the like Power of administering Oaths as Commissioners now have under Commissions issued by the Court for the Examination of Witnesses.

15 & 16 Vict. c. 86. s. 35.

Affidavits to be divided into Paragraphs numbered.

105. Every Affidavit to be used in the said Court shall be divided into Paragraphs, and every Paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct Portion of the Subject.

15 & 16 Vict. c. 86. s. 37.

Closing Evidence, Cross-examination, and Re-examination.

106. Except as to Facts or Issues included in any such Order as mentioned in the Eighty-ninth Section of this Act, and except as to the Cross-examination and Re-examination of Witnesses at the Hearing, the Evidence at both Sides to be used at the Hearing of a Cause in which Issue is joined shall be closed within such Time as shall in that behalf be prescribed by any General Order of the Court, but with Power to the Court to enlarge such Period as it may think fit; and after the Time fixed for closing the Evidence, no further Evidence, whether oral or by Affidavit, shall be receivable without special Leave of the Court previously obtained for that Purpose.

Court may require the Production and oral Examination before itself of any Witness, &c., and determine Payment of the Costs.

107. Upon the Hearing of any Cause commenced by Bill and depending in the said Court, the Court, if it shall see fit so to do, may require the Production and oral Examination before itself of any Witness or Party in the Cause, and may direct the Costs of and attending the Production and Examination of such Witness or Party to be paid by such of the Parties to the Suit or in such Manner as it may think fit.

15 & 16 Vict. c. 86. s. 39.

Evidence subsequent to Hearing to be taken as the Court shall prescribe by General Orders.

108. In Cases where it shall be necessary for any Party to any Cause depending in the said Court to go into Evidence subsequently to the Hearing of such Cause, such Evidence shall be taken in such Manner as shall be prescribed in a General Order of the Court.

Power for Court, notwithstanding any Rule,

109. Notwithstanding any Rule or Practice to the contrary, it shall be lawful for the Court, at the Hearing of any Cause or of any further Directions therein, to receive Proof by Affidavit of all proper Parties being before the Court, and of all such Matters as

are

are necessary to be proved for enabling the Court to order Payment of any Monies belonging to any married Woman, and of all such other Matters not directly in issue in the Cause as in the Opinion of the said Court may safely and properly be so proved.

&c. to the contrary, to receive Proof by Affidavit. 13 & 14 Vict. c. 35. s. 28.

110. If in any Suit before the Court it shall appear to the Court that any deceased Person who was interested in the Matters in question has no legal Representative, it shall be lawful for the Court either to proceed in the Absence of any Person representing the Estate of such deceased Person, or to appoint some Person to represent such Estate for all the Purposes of the Suit or other Proceeding, on such Notice to such Person or Persons, if any, as the Court shall think fit, either specially, or generally by public Advertisements; and the Order so made by the said Court, and any Orders consequent thereon, shall bind the Estate of such deceased Person in the same Manner in every respect as if there had been a duly constituted legal personal Representative of such deceased Person, and such legal personal Representative had been a Party to the Suit or Proceeding, and had duly appeared and submitted his Rights and Interests to the Protection of the Court.

Court may proceed in any Suit, &c. without Representative of deceased Person, or may appoint one. 15 & 16 Vict. c. 86. s. 44.

111. It shall be lawful for Persons interested or claiming to be interested in any Question cognizable in the said Court as to the Construction of any Act of Parliament, Will, Deed, or other Instrument in Writing, or any Article, Clause, Matter, or Thing therein contained, or as to the Title or Evidence of Title to any Real or Personal Estate contracted to be sold or otherwise dealt with, or as to the Parties to or the Form of any Deed or Instrument for carrying any such Contract into effect, or as to any other Matter falling within the original Jurisdiction of the said Court as a Court of Equity, or made subject to the Jurisdiction or Authority of the said Court by any Statute, not being One of the Statutes relating to Bankrupts, and including among such Persons all Lunatics, married Women, and Infants, in the Manner and under the Restrictions herein-after contained, to concur in stating such Question in the Form of a Special Case for the Opinion of the said Court, and it shall also be lawful for all Executors, Administrators, and Trustees to concur in such Case.

Power to Persons interested in Questions cognizable in Court of Chancery to state Special Cases for the Opinion of the Court. 13 & 14 Vict. c. 35. s. 1.

112. The Committee of the Estate of any Lunatic interested or claiming to be interested in any such Question as aforesaid may, after having been authorized in that Behalf by the Lord Chancellor, concur in such Case in his own Name and in the Name and on the Behalf of the Lunatic.

How Lunatic may concur. 13 & 14 Vict. c. 35. s. 2.

How married Women may concur. 13 & 14 Vict. c. 35. s. 3.

113. A Husband interested or claiming to be interested in right of his Wife in any such Question as aforesaid may concur in such Case in his own Name and in the Name of his Wife where the Wife has no Claim to any Interest distinct from her Husband, and a married Woman having or claiming any Interest in any such Question as aforesaid distinct from her Husband may in her own Right concur in such Case, provided that her Husband also concurs therein.

How Infant may concur. 13 & 14 Vict. c. 35. s. 4.

114. The Guardian of any Infant interested or claiming to be interested in any such Question as aforesaid may concur in such Case in the Name and on the Behalf of the Infant, unless such Guardian has an Interest in such Question adverse to the Interest of the Infant therein.

How Special Guardian to be appointed for a Lunatic not found such by Commission and for Infant may coucur. 13 & 14 Vict. c. 35. s. 5.

115. It shall be lawful for the said Court, by Order to be made in the Matter of any Lunatic not found such by Inquisition, or in the Matter of any Infant, upon the Application of any Person on the Behalf of such Lunatic, or upon the Application of such Infant, by Motion or Petition, to appoint any Person shown by Affidavit to be a fit Person, and to have no Interest adverse to the Interest of the Lunatic or Infant, to be the Special Guardian of such Lunatic or Infant for the Purpose of concurring in such Case, in the Name and on behalf of the Lunatic or Infant, and any such Person so appointed may lawfully so concur: Provided always, that it shall be lawful for the said Court to require Notice of such Application to be given to such Person, if any, as the Court shall think fit.

Order to appoint Special Guardian of an Infant may be discharged by Court, if made without Notice. 13 & 14 Vict. c. 35. s. 6.

116. In any Case in which any such Order as aforesaid shall have been made by the said Court in the Matter of any Infant without Notice to the Guardian of the Infant, it shall be lawful for the said Court, if it shall think fit so to do, to discharge such Order, upon the Application of such Guardian, by Motion or Petition; and the said Court, if it shall think fit, may thereupon appoint some other fit Person to be the Special Guardian of such Infant for the Purpose of such Special Case, and may also give such Directions as may be necessary for substituting in such Special Case either the Name of the Guardian so applying, or of the Special Guardian so appointed, in lieu of the Name of the Special Guardian so displaced: Provided always, that the Discharge of any Order appointing a Special Guardian shall not invalidate anything which shall in the meantime have been done by such Special Guardian, unless the Court shall, upon Notice to all Parties, specially so direct.

117. Every

117. Every such Special Case shall be intituled as a Cause between some or One of the Parties interested or claiming to be interested as Plaintiffs or Plaintiff, and the others or other of them as Defendants or Defendant; and in the Title to such Cases Lunatics and Infants shall be described as such, and their Committees, Guardians, or Special Guardians named; and where in any such Case a married Woman is named as a Plaintiff and her Husband as a Defendant thereto, a next Friend of such married Woman shall be named in the Title to such Case.

How such Special Cases to be intituled. 13 & 14 Vict. c. 35. s. 7.

118. Every such Special Case shall concisely state such Facts and Documents as may be necessary to enable the Court to decide the Question raised thereby, and upon the Hearing of such Case the Court and the Parties shall be at liberty to refer to the whole Contents of such Documents, and the Court shall be at liberty to draw from the Facts and Documents stated in any such Special Case any Inference which the Court might have drawn therefrom if proved in a Cause.

Form of Special Case. 13 & 14 Vict. c. 35. s. 8.

119. Every such Special Case to which an Infant or a Lunatic is a Party by his Guardian or Special Guardian shall also state how such Guardian or Special Guardian was constituted; and where any married Woman having or claiming any Interest distinct from her Husband is a Party to such Case, it shall be stated therein that she concurs in such Case in her own Right.

Special Case to state how Guardian constituted, and the Concurrence of married Woman. 13 & 14 Vict. c. 35. s. 9.

120. Every such Special Case shall be signed by Counsel for all Parties, and shall be filed in the same Manner as Bills are filed, and the Defendants may appear thereto in the same Manner as Defendants appear to Bills; and no Defendant shall be required to take an Attested Copy of a Special Case, but an Attested Copy thereof shall be taken by the Plaintiff.

Special Cases to be signed by Counsel and filed, and Appearances to be entered. 13 & 14 Vict. c. 35. s. 10.

121. After a Special Case shall have been filed, and the Defendants shall have appeared thereto, all the Parties to such Special Case shall be subject to the Jurisdiction of the Court, in the same Manner as if the Plaintiff in the Special Case had filed a Bill against the Parties named as Defendants thereto, and such Defendants had appeared to such Bill; and upon the Special Case being filed, and Appearances entered thereto as aforesaid, all Parties to such Special Case, other than married Women, Infants, and Lunatics, shall for the Purposes of such Special Case be bound by the Statements therein; and all married Women, Infants, and Lunatics made Parties to a Special Case shall for the Purposes of such Special Case be bound by the Statements therein, when and not before Leave

After a Special Case filed, Parties to be bound by Statements after Defendants have appeared, except married Women, Infants, and Lunatics, who are not to be bound till Leave given by Court to set it down. 13 & 14 Vict. c. 35. s. 11.

Leave shall have been given by the Court to set down such Special Case in manner herein-after provided.

How Case to be set down for Hearing. 13 & 14 Vict. c. 35. s. 12.

122. So soon as all the Defendants shall have appeared to the Special Case the same may, subject to the Provisions herein-after contained, be set down for Hearing, and Subpœnas to hear Judgment issued and served according to the Practice of the said Court.

When a married Woman, Infant, or Lunatic is a Party, Application to be made to the Court for Leave to set the Case down. 13 & 14 Vict. c. 35. s. 13.

123. When any married Woman, Infant, or Lunatic is Party to a Special Case, Application may be made to the Court for Leave to set down the same, of which Application Notice shall be given to every Party to such Case in whom, as Executor, Administrator, or Trustee, any Property in question therein is or is alleged to be vested in Trust for or for the Benefit of such married Woman, Infant, or Lunatic, and also, if such Application be not made by or on behalf of such married Woman, Infant, or Lunatic, to such married Woman and her Husband, or to such Infant, or to such Lunatic and his Committee, if any, as the Case may be; and upon the Hearing of such Application the said Court may give Leave to set down such Case, if it shall be of opinion that it is proper that the Question raised therein shall be determined thereon, and shall be satisfied by Affidavit or other sufficient Evidence that the Statements contained therein, so far as the same affect the Interest of such married Woman, Infant, or Lunatic, are true, but otherwise may refuse such Application: Provided always, that in case the said Court, upon the Hearing of such Application, shall be of opinion that it is proper that the Question raised in such Case shall be determined thereon, but shall not be satisfied that the Statements contained therein, so far as they affect the Interest of such married Woman, Infant, or Lunatic, are true, it shall be lawful for the said Court to direct such Inquiries as to the Court shall seem proper, and upon further Application being made to give or refuse Leave to set down such Case, as to the said Court shall seem fit.

Upon Hearing, Court to determine Question and make Declaration. 13 & 14 Vict. c. 35. s. 14.

124. It shall be lawful for the said Court, upon the Hearing of any such Special Case as aforesaid, to determine the Questions raised therein or any of them, and by Decree to declare its Opinion thereon, and, so far as the Case shall admit of the same, upon the Right involved therein, without proceeding to administer any Relief consequent upon such Declaration; and every such Declaration of the said Court contained in any such Decree shall have the same Force and Effect as such Declaration would have had, and shall be binding to the same Extent as such Declaration would have been, if contained in a Decree made in a Suit between the same Parties instituted

instituted by Bill: Provided always, that if upon the Hearing of such Special Case as aforesaid the Court shall be of opinion that the Questions raised thereby or any of them cannot properly be decided upon such Case, the said Court may refuse to decide the same.

Proviso that Court may refuse to decide. 13 & 14 Vict. c. 35. s. 14.

125. Every Executor, Administrator, Trustee, or other Person making any Payment or doing any Act in conformity with the Declaration contained in any Decree made upon a Special Case, shall in all respects be as fully and effectually protected and indemnified by such Declaration as if such Payment had been made or Act done under or in pursuance of the express Order of the said Court made in a Suit between the same Parties instituted by Bill, save only as to any Rights or Claims of any Person in respect of Matters not determined by such Declaration.

Protection to be afforded to Trustees by Declaration. 13 & 14 Vict. c. 35. s. 15.

126. Where any Person shall be desirous to appeal from the Decision on such Special Case, it shall be lawful for the said Court, upon Application for that Purpose, either at the Time of the Decree upon such Special Case being made or at any Time afterwards, and upon such Conditions, if any, as the Court shall think fit, to order that the Declaration contained in such Decree shall not be acted upon for such Time as the said Court shall think just.

The Court may suspend the acting upon Declaration. 13 & 14 Vict. c. 35. s. 16.

127. And be it enacted, That the filing of a Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, shall be taken to be a Lis pendens, and may be registered under the Provisions of an Act made and passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled "An Act for the Protection "of Purchasers against Judgments, Crown Debts, Lis pendens, "Commission of Bankruptcy, and for providing One Office for "registering all Judgments in Ireland, and for amending the Laws "in Ireland respecting Bankrupts and Limitations of Actions," in like Manner as any other Lis pendens in a Court of Equity may now be so registered, and, unless and until so registered, shall not bind a Purchaser or Mortgagee without express Notice thereof.

Special Case to be a Lis pendens, and may be registered. 13 & 14 Vict. c. 35. s. 17.

128. Any Documents referred to in a Special Case, and any Copies thereof or Extracts therefrom, identified by the Signature of the Solicitors for all Parties, or of the Town Agents of such Solicitors, may be produced and read at the Hearing of such Case, without further Proof; and it shall be lawful for the said Court at any Time after the filing of the Special Case, and the entering of

Mode of identifying Documents, and Court may Order Production. 15 & 16 Vict. c. 35. s. 18.

Appearances thereto by the Persons named as Defendants therein, to order any Document which may be admitted thereby to be in the Possession of any Party to such Case to be deposited and produced in such Manner and for such Purposes as the Court shall think fit.

Power to Master of the Rolls and Vice-Chancellors to sit at Chambers for the Despatch of Business, &c. 15 & 16 Vict. c. 80. s. 11.

129. From and after the *First Day of* *One thousand eight hundred and* , it shall be lawful for the Master of the Rolls and the Vice-Chancellor for the Time being and they are hereby required to sit at Chambers for the Despatch of such Part of the Business of the said Court as can, without Detriment to the public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers, according to the Directions hereinafter in that Behalf specified or referred to; and the Times at and during which they respectively shall so sit shall be from Time to Time fixed by them respectively.

Power to Lord Chancellor to provide Chambers for the Master of the Rolls and Vice-Chancellor. 15 & 16 Vict. c. 80. s. 12.

130. The Chamber Business of the Master of the Rolls and of the Vice-Chancellor shall be carried on in conjunction with his Court Business; but as no Rooms are attached to the Courts of the Master of the Rolls or the Vice-Chancellor in which such Chamber Business can be transacted, it shall be lawful for the Lord Chancellor to cause Chambers to be provided for each of them respectively for that Purpose, until Courts, with proper Rooms attached, can be provided for them.

Judges to have same Power and Jurisdiction as in open Court. 15 & 16 Vict. c. 80. s. 13.

131. The Master of the Rolls and the Vice-Chancellor respectively, when sitting in Chambers, shall have the same Power and Jurisdiction in respect of the Business to be brought before them as if they were respectively sitting in open Court.

Orders made in Chambers to be drawn up by Judges Clerks. 15 & 16 Vict. c. 80. s. 14.

132. The Orders made by the Master of the Rolls and Vice-Chancellor respectively, when sitting in Chambers, shall ordinarily be drawn up by their respective Clerks, to be appointed as hereinbefore mentioned.

Orders made at Chambers to have same Force as Orders of Court, &c. 15 & 16 Vict. c. 80. s. 15.

133. All Orders of the Master of the Rolls or of the Vice-Chancellor, made by him at Chambers, shall have the Force and Effect of Orders of the Court of Chancery, and such Orders may be signed and enrolled in like Manner.

Business to be disposed of in Chambers by the Judges.

134. The Business to be disposed of by the Master of the Rolls and the Vice-Chancellor respectively while sitting at Chambers shall consist of such Matters as the Judge shall from Time to Time think may be more conveniently disposed of in Chambers than in open

open Court, or as may from Time to Time be directed by any General Order of the Court. 15 & 16 Vict. c. 80. s. 26.

Judges may adjourn from open Court to Chambers, and vice versâ, the Consideration of any Matter.

135. It shall be lawful for the Master of the Rolls and the Vice-Chancellor respectively when sitting in open Court to adjourn for Consideration in Chambers any Matter which, in the Opinion of such Judge, may be more conveniently disposed of in Chambers, or, when sitting in Chambers, to direct any Matter to be heard in open Court which he may think ought to be so heard.

15 & 16 Vict. c. 80. s. 27.

Mode of Proceeding before Judges at Chambers to be by Summons.

136. The Mode of Proceeding before the Master of the Rolls and Vice-Chancellor respectively at Chambers shall be by Summons, and shall be regulated according to such Form and in such Manner as shall be prescribed by a General Order of the Court.

15 & 16 Vict. c. 80. s. 28.

Power to the Judges to direct what Matters, &c. shall be heard and investigated by themselves, and what by their Chief Clerks.

137. From and after the *Day of One thousand eight hundred and* the Master of the Rolls and the Vice-Chancellor respectively shall have the sole Power (subject to any General Orders to be made on the Subject) to order what Matters and Things shall be investigated by and before their respective Chief Clerks, either with or without their Direction, during their Progress, and what Matters and Things shall be heard and investigated by themselves, and particularly, if the Judge shall so direct, his Chief Clerk shall take Accounts and make such Inquiries as have usually been prosecuted before the Examiners of the present Masters; and the Judge shall give such Aid and Directions in every or any such Account or Inquiry as he may think proper, but subject nevertheless to the Right herein-after provided for the Suitor to bring any particular Point before the Judge himself.

Right to Suitor to bring any Point before the Judge.

15 & 16 Vict. c. 80. s. 29.

Power to Chief Clerks to issue Advertisements and Summonses, to administer Oaths, &c., as the Judge shall direct.

138. Each Chief Clerk shall, for the Purpose of any Proceedings directed by the Master of the Rolls or the Vice-Chancellor to be taken before him, have full Power to issue Advertisements, to summon Parties and Witnesses, to administer Oaths, to take Affidavits and Acknowledgments, other than Acknowledgments by married Women, to receive Affirmations, and, when so directed by the Judge to whose Court he is attached, to examine Parties and Witnesses either upon Interrogatories or vivâ voce, as such Judge shall direct.

15 & 16 Vict. c. 80. s. 30.

Parties, &c. not attending liable to Process of Contempt and to

139. Parties and Witnesses so summoned shall be bound to attend in pursuance of any such Summons, and shall be liable to Process of Contempt, in like Manner as Parties or Witnesses are now liable thereto in case of Disobedience to any Order of the said

Penalties for false swearing, &c. 15 & 16 Vict. c. 80. s. 31.

Court, or in case of Default in Attendance, in pursuance of any Order of the said Court, or of any Writ of Subpœna ad testificandum; and all Persons swearing or affirming before any such Chief Clerk shall be liable to all such Penalties, Punishments, and Consequences for any wilful or corrupt false swearing or affirming contained therein as if the Matters sworn or affirmed had been sworn and affirmed before any Person now by Law authorized to administer Oaths, to take Affidavits, and to receive Affirmations.

Result of Proceedings before Chief Clerk to be embodied in Form of short Certificate, &c. 15 & 16 Vict. c. 80. s. 32.

140. The Directions to be given by the Master of the Rolls or the Vice-Chancellor for or touching any Proceedings before his Chief Clerk shall require no particular Form, but the Result of such Proceeding shall be stated in the Shape of a short Certificate to the Judge, and shall not be embodied in a formal Report, unless in any Case the Judge shall see fit so to direct; and when the Judge shall approve of such Certificate or Report he shall sign the same, in testimony of his adopting the same.

No Exceptions to lie to Certificate, &c. Parties at liberty to take Opinion of Judge upon any particular Point. 15 & 16 Vict. c. 80. s. 33.

141. No Exceptions shall lie to any Certificate or Report of the Chief Clerk, although signed and adopted by the Judge, but any Party shall, either during the Proceedings before such Chief Clerk, or within such Time after such Proceedings shall have been concluded, and before the Certificate or Report shall have been signed and adopted, as the Court shall by any General Order direct, be at liberty to take the Opinion of the Judge upon any particular Point or Matter arising in the course of the Proceedings, or upon the Result of the whole Proceeding when it is brought by the Chief Clerk to a Conclusion.

Certificate, &c. signed and adopted by Judge binding on all Parties, unless discharged or varied. 15 & 16 Vict. c. 80. s. 34.

142. When any Certificate or Report of the Chief Clerk shall have been signed and adopted by the Judge, the same shall be filed in like Manner as Reports are now filed, and shall thenceforth be binding on all the Parties to the Proceedings, unless discharged or varied, either at Chamber or in open Court, according to the Nature of the Case, upon Application by Summons or Motion within such Time as shall be prescribed in that Behalf by any General Order of the Court; and nothing herein contained shall prejudice or affect the Power of the Court at any Time to open any such Certificate or Report, upon the same or the like Grounds as any Report of a Master of the said Court which has been absolutely confirmed may now be opened.

All Powers possessed by Masters to be exercised by Judges.

143. From and after the *One thousand eight hundred and* all or any of the Powers, Autorities, and Jurisdiction given to the Masters in Ordinary of the said

said Court by any Act or Acts then in force may be exercised by the Master of the Rolls and the Vice-Chancellor respectively, with respect to all Suits pending before them; and in every Case in which by any such Act or Acts or otherwise the Order, Direction, Consent, or Approbation of a Master of the said Court was necessary, such Order, Direction, Consent, or Approbation may be made or given by the Master of the Rolls or the Vice-Chancellor respectively. 15 & 16 Vict. c. 80. s. 36.

Power to Judges to exercise the Powers given by Sections 37. to 44. inclusive of this Act, and to dispose of any Cause, &c. in open Court.

144. From and after the *Day of* the Powers given to the Masters in Ordinary of the said Court and to the Court by Sections 32, 33, 34, 35, 36, 37, 38, and 39. of this Act, may be exercised by the Master of the Rolls and Vice-Chancellor respectively with respect to Causes, Matters, and Things which may be depending before them respectively in Chambers; and if and when any such Judge shall be of opinion that any Cause, Matter, or Thing so depending ought to be finally disposed of, unless the Parties or some of them can show good Cause to the contrary, he shall direct the same to stand in his Paper in open Court, giving such Notice thereof, if any, as he shall deem right, and proceed to dispose thereof accordingly. 15 & 16 Vict. c. 80. s. 37.

Court or Judge, on Application of Executors or Administrators, may by Order of Course direct an Account of Debts and Liabilities to be taken. 13 & 14 Vict. c. 35. s. 19. 23 & 24 Vict. c. 38. s. 14.

145. And whereas it is expedient to provide Means for enabling Executors or Administrators of deceased Parties to ascertain whether there are any outstanding Debts or Liabilities affecting the Personal Estates of such Persons, without the Delay and Expense of Suits to administer such Estates: Be it therefore enacted, That upon the Application of the Executors or Administrators of any deceased Person at any Time after Probate or Letters of Administration shall have been granted, it shall be lawful for the Court or Judge, upon Motion or Petition of course, or upon a Summons in the Form used for originating Proceedings at Chambers, by an Order in the Form or to the Effect set forth in the Schedule (B.) to this Act, with such Variations as Circumstances may require, to direct that the usual Account be taken of the Debts and Liabilities affecting the Personal Estate of such deceased Person; and after any such Order shall have been made the said Court or Judge may, on the Application of the Executors or Administrators, by Motion or Summons, restrain or suspend, until the Account directed by such Order shall have been taken, any Proceedings at Law against such Executors or Administrators by any Person having or claiming to have any Demand upon the Estate of the Deceased, upon such Notice and Terms and Conditions, if any, as to the Court or Judge shall seem just; and the Judge in taking an Account of the Debts and Liabilities pursuant to such Order shall, on the Application of the

Executors or Administrators, be at liberty to direct that the Particulars only of any Claim or Claims which may be brought in pursuance of any such Order shall be certified by his Chief Clerk, without any Adjudication thereon; and any Notices for Creditors to come in which may be published in pursuance of any such Order shall have the same Force and Effect as if such Notices had been given by the Executors or Administrators in pursuance of the Twenty-ninth Section of the Act of the Twenty-second and Twenty-third Years of Victoria, Chapter Thirty-five: Provided always, that no such Order shall be made pending any Proceedings to administer the Estate of such Person; and that in case at any Time after the making of such Order any Decree or Order for administering the Estate of such deceased Person shall be made, it shall be lawful for the said Court by such Decree or Order to stay or suspend the Proceedings under such Order of Course on such Terms and Conditions, if any, as to the said Court shall seem just.

Certificate of Chief Clerk may be objected to by Motion to the Court, of which Notice shall be given. 13 & 14 Vict. c. 35. s. 20.

146. It shall be lawful for any Person who may have come in under any such Order, and claimed to be a Creditor upon the Estate of the deceased Person, or to have any Demand upon such Estate by reason of any Liability, and whose Debt or Claim may not have been wholly allowed by the Chief Clerk, to apply to the said Court or Judge in such Manner and within such Time as shall be provided by a General Order of the Court, to have such Claim allowed, either wholly or partially; and it shall be lawful for the said Executors or Administrators, and for any Creditor of the deceased Person who may be authorized by special Leave of the said Court or Judge so to do, to apply to the said Court or Judge to have any Debt or Claim allowed which has been disallowed by the Chief Clerk, either wholly or partially; but, save as to any Debt or Claim as to which any such Notice as aforesaid may have been given, the Certificate or Report of the Chief Clerk shall, upon the filing of the Certificate or Report, be absolute: Provided always, that upon the Hearing of any such Application as aforesaid the said Court or Judge may either dismiss such Application, or may order the Debt or Claim to which such Application relates to be allowed or disallowed, as the Case may be, and either wholly or partially, or may direct further Inquiry or further Proceedings, by way of Action or otherwise, touching such Debt or Claim, and after such Inquiry or Proceedings may deal with such Debt or Claim as to the said Court or Judge shall seem just.

Proceeding of the Court on such Motion. 13 & 14 Vict. c. 35., s. 21.

If Debts or certain Liabilities allowed, and

147. In case any Debt or any certain Liability shall have been allowed as aforesaid, and shall not, within such Time as shall be prescribed by a General Order of the Court, be paid or provided for by

by Appropriation to the Satisfaction of the Person who has established such Liability, it shall be lawful for the said Court or Judge, by Order, to be made in case of any Debt remaining due upon the Application of the Person to whom the Debt remains due, and on Notice to the Executors or Administrators, and in case of any certain Liability remaining unprovided for by Appropriation upon the Application of the Person by whom such Liability has been established, or of the Executors or Administrators, and on Notice by the Party applying to the other of them, to order Payment of the Debts which may have been allowed and remain unpaid, and to provide for the certain Liabilities which may have been allowed and remain unprovided for, in like Manner as the same could or might have been paid or provided for in a Suit for that Purpose instituted by Bill, or to direct an Account to be taken of the Debts and certain Liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual Accounts of the Personal Estate of the deceased Person, with all usual and proper Directions; and every such Order shall have the same Force and Effect and shall be prosecuted and carried on in like Manner as a Decree in a Creditor's Suit instituted by Bill.

not paid or provided for, Order may be made for Payment of Accounts. 13 & 14 Vict. c. 35. s. 22.

148. In case any contingent Liability shall be duly allowed as aforesaid, it shall be lawful for the said Court or Judge, by Order, to be made upon the Application of the Executors or Administrators, on Notice to the Person who may have established such contingent Liability, to order such Sum of Money, Part of the Estate of the deceased Person, as to the said Court or Judge shall seem just, to be set apart and appropriated for answering such contingent Liability, and to give such Directions as the said Court or Judge shall think fit touching the Payment of such Sum of Money into Court, and the Investment thereof, and the Payment, Application, or Accumulation of the Interest or Dividends thereof in the meantime and until the same shall be required to answer such Liability, and when such Liability shall be ascertained or determined, to give such Directions as to the Payment of such Sum out of Court as the said Court or Judge shall deem right: Provided always, that no Order to be made as aforesaid shall in any Manner bind the Assets so appropriated as against the Persons entitled to the Estate of the Deceased, subject to the contingent Liability; and any Person interested in such appropriated Assets may apply to the Court touching the same as he may be advised.

Court or Judge, on Application of Executors or Administrators, may direct Appropriation of Money to answer contingent Liability. 13 & 14 Vict. c. 35. s. 23.

149. That after the filing of such Certificate or Report as aforesaid it shall be lawful for the said Court or Judge, upon the Application of the Executors or Administrators of the Deceased, by Order, to

Court may restrain Proceedings against Executors

and Administrators. 13 & 14 Vict. c. 35. s. 24.

to restrain by Injunction any Proceedings at Law against them by any Person having or claiming to have any Demand upon the Estate of the Deceased by reason of any Debt or Liability, other than the Persons who may have established contingent Liabilities under the said Order for which no Appropriation may have been made.

Protection to be afforded to Executors and Administrators. 13 & 14 Vict. c. 35. s. 25.

150. In case no Debt or Liability, or no Debt or Liability other than a contingent Liability, shall have been allowed as aforesaid, or in case any Debt or Liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by Appropriation as aforesaid, all Payments made by the Executors or Administrators, or any of them, on account of the Estate of the deceased Person, and all Dispositions of such Assets made by them or any of them on account of such Estate, shall, as against all Persons having or claiming to have any Demand upon such Estate by reason of any Debt or Liability, other than Persons who may have established under the said Order any contingent Liability for which no such Appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a Decree of the said Court: Provided always, that nothing herein contained shall in any Manner affect or prejudice the Rights of any Creditor or other Person having any Demand or Claim upon the Estate of the Deceased against any Assets so paid or disposed of, or against the Persons to whom such Payment or Disposition may have been made, or against any Assets appropriated under the Provisions of this Act, and the Appropriation of which, if made under a Decree of the said Court in a Suit to which he was not a Party, would not have been binding upon him.

Creditor, &c. may summon Executor, &c. to show Cause why an Order for Administration of Personal Estate should not be granted. Power to Judge to order Administration of such Estate. 15 & 16 Vict. c. 86. s. 45.

151. It shall be lawful for any Person claiming to be a Creditor, or a specific, pecuniary, or residuary Legatee, or the Next of Kin, or some or One of the Next of Kin of a deceased Person, to apply for and obtain as of course, without Bill filed or any other preliminary Proceedings, a Summons from the Master of the Rolls or the Vice-Chancellor, requiring the Executor or Administrator, as the Case may be, of such deceased Person, to attend before him at Chambers, for the Purpose of showing Cause why an Order for the Administration of the Personal Estate of the Deceased should not be granted; and upon Proof by Affidavit of the due Service of such Summons, or on the Appearance in Person or by his Solicitor or Counsel of such Executor or Administrator, and upon Proof by Affidavit of such other Matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his Discretion he shall think fit so to do, to make the usual Order for the Administration of the Estate of

of the Deceased, with such Variations, if any, as the Circumstances of the Case may require; and the Order so made shall have the Force and Effect of a Decree to the like Effect made on the Hearing of a Cause between the same Parties; provided that such Judge shall have full discretionary Power to grant or refuse such Order, or to give any special Directions touching the Carriage or Execution of such Order, and in the Case of Applications for any such Order by Two or more different Persons or Classes of Persons, to grant the same to such One or more of the Claimants, or of the Classes of Claimants, as he may think fit; and if the Judge shall think proper the Carriage of the Order may subsequently be given to such Party interested, and upon such Terms as the Judge may direct.

Copy of Summons to be filed in the Office of the Deputy Keeper of the Rolls. 15 & 16 Vict. c. 86. s. 46.

152. A Duplicate or Copy of such Summons shall, previously to the Service thereof, be filed in the Office of the Deputy Keeper of the Rolls; and no Service thereof upon any Executor or Administrator shall be of any Validity unless the Copy so served shall be stamped with a Stamp of such Office indicating the filing thereof; and such Summons may be registered under the Provisions of the Act mentioned in the 128th Section of this present Act; and the filing and Registration of such Summons shall have the same Effect with respect to Lis Pendens as the filing and Registration of a Bill.

Creditor, &c. may obtain an Order for Administration of Real Estate. 15 & 16 Vict. c. 86. s. 47.

153. It shall be lawful for any Person claiming to be a Creditor of any deceased Person, or interested under his Will, to apply for and obtain in a summary Way, in the Manner herein-before provided with respect to the Personal Estate of a deceased Person, an Order for the Administration of the Real Estate of a deceased Person where the whole of such Real Estate is by Devise vested in Trustees who are by the Will empowered to sell such Real Estate, and authorized to give Receipts for the Rents and Profits thereof, and for the Produce of the Sale of such Real Estate; and all the Provisions herein-before contained with respect to the Application for such Order at the Suit of a Creditor in relation to the Personal Estate of a deceased Person, and consequent thereon, shall extend and be applicable to an Application for such Order as last herein-before mentioned with respect to Real Estate.

Suit not to be dismissed for Misjoinder of Plaintiffs, but Court may modify

154. No Suit in the said Court commenced by Bill shall be dismissed by reason only of the Misjoinder of Persons as Plaintiffs therein; but whenever it shall appear to the Court, that, notwithstanding the Conflict of Interest in the Co-plaintiffs, or the Want of Interest in some of the Plaintiffs, or the Existence of some Ground

its Decree according to special Circumstances. 15 & 16 Vict. c. 86. s. 49.

of Defence affecting some or One of the Plaintiffs, the Plaintiffs, or some or One of them, are or is entitled to Relief, the Court shall have Power to grant such Relief, and to modify its Decree, according to the special Circumstances of the Case, and for that Purpose to direct such Amendments, if any, as may be necessary, and at the Hearing, before such Amendments are made, to treat any One or more of the Plaintiffs as if he or they was or were a Defendant or Defendants in the Suit, and the remaining or other Plaintiff or Plaintiffs was or were only Plaintiff or Plaintiffs on the Record; and where there is a Misjoinder of Plaintiffs, and the Plaintiff having an Interest shall have died, leaving a Plaintiff on on the Record without an Interest, the Court may, at the Hearing of the Cause, order the Cause to stand revived as may appear just, and proceed to a Decision of the Cause, if it shall see fit, and to give such Directions as to Costs or otherwise as may appear just and expedient.

No Suit to be objected to because only declaratory Order sought. 15 & 16 Vict. c. 86. s. 50.

155. No Suit in the said Court shall be open to Objection on the Ground that a merely declaratory Decree or Order is sought thereby, and it shall be lawful for the Court to make binding Declarations of Right without granting consequential Relief.

Court may decide between some of the Parties without making others interested Parties to the Suit.

156. It shall be lawful for the Court to adjudicate on Questions arising between Parties, notwithstanding that they may be some only of the Parties interested in the Property respecting which the Question may have arisen, or that the Property in question is comprised with other Property in the same Settlement, Will, or other Instrument, without making the other Parties interested in the Property respecting which the Question may have arisen, or interested under the same Settlement, Will, or other Instrument, Parties to the Suit, and without requiring the whole Trusts and Purposes of the Settlement, Will, or other Instrument to be executed under the Direction of the Court, and without taking the Accounts of the Trustees or other accounting Parties, or ascertaining the Particulars or Amount of the Property touching which the Question or Questions may have arisen: Provided always, that if the Court shall be of opinion that the Application is fraudulent or collusive, or for some other Reason ought not to be entertained, it shall have Power to refuse to make the Order prayed.

Proviso. 15 & 16 Vict. c. 86. s. 51.

In case of Abatement, &c. of Suit, an Order may be made, which shall have the

157. Upon any Suit in the said Court commenced by Bill becoming abated by Death, Marriage, or otherwise, or defective by reason of some Change or Transmission of Interest or Liability, it shall not be necessary to exhibit any Bill of Revivor or Supplemental Bill in order to obtain the usual Order to revive such Suit, or

or the usual or necessary Decree or Order to carry on the Proceedings; but an Order to the effect of the usual Order to revive or of the usual Supplemental Decree may be obtained as of course upon an Allegation of the Abatement of such Suit, or of the same having become defective, and of the Change or Transmission of Interest or Liability; and an Order so obtained, when served upon the Party or Parties who according to the present Practice of the said Court would be Defendant or Defendants to the Bill of Revivor or Supplemental Bill, shall from the Time of such Service be binding on such Party or Parties in the same Manner in every respect as if such Order had been regularly obtained according to the existing Practice of the said Court; and such Party or Parties shall thenceforth become a Party or Parties to the Suit, and shall be bound to enter an Appearance thereto in the Office of the Clerk of Appearances and Writs within such Time and in like Manner as if he or they had been duly served with Process to appear to a Bill of Revivor or Supplemental Bill filed against him: Provided that it shall be open to the Party or Parties so served, within such Time after Service as shall be in that Behalf prescribed by any General Order of the Court, to apply to the Court by Motion or Petition to discharge such Order on any Ground which would have been open to him on a Bill of Revivor or Supplemental Bill, stating the previous Proceedings in the Suit, and the alleged Change or Transmission of Interest or Liability, and praying the usual Relief consequent thereon: Provided also, that if any Party so served shall be under any Disability other than Coverture, such Order shall be of no Force or Effect as against such Party until a Guardian or Guardians ad litem shall have been duly appointed for such Party, and such Time shall have elapsed thereafter as shall be prescribed by any General Order of the Court in that Behalf.

same Effect as a Bill of Revivor. 15 & 16 Vict. c. 86. s. 52.

158. It shall not be necessary to exhibit any Supplemental Bill in the said Court for the Purpose only of stating or putting in issue Facts or Circumstances which may have occurred after the Institution of any Suit, but such Facts or Circumstances may be introduced by way of Amendment into the original Bill of Complaint in the Suit if the Cause is otherwise in such a State as to allow of an Amendment being made in the Bill, and if not the Plaintiff shall be at liberty to state such Facts or Circumstances on the Record, in such Manner and subject to such Rules and Regulations with respect to the Proof thereof, and the affording the Defendant Leave and Opportunity of answering and meeting the same, as shall in that Behalf be prescribed by any General Order of the Court.

New Facts, &c. after Commencement of Suit to be introduced as Amendments to Bill, &c. 15 & 16 Vict. c. 86. s. 53.

 159. It

Where Account required to be taken, Court may give special Directions as to the Mode of taking same. 15 & 16 Vict. c. 86. s. 54.

159. It shall be lawful for the Court in any Case where any Account is required to be taken to give such special Directions, if any, as it may think fit, with respect to the Mode in which the Account should be taken or vouched, and such special Directions may be given either by the Decree or Order directing such Account, or by any subsequent Order or Orders, upon its appearing to the Court that the Circumstances of the Case are such as to require such special Directions; and particularly it shall be lawful for the Court, in Cases where it shall think fit so to do, to direct that in taking the Account the Books of Account in which the Accounts required to be taken have been kept, or any of them, shall be taken as primâ facie Evidence of the Truth of the Matters therein contained, with Liberty to the Parties interested to take such Objections thereto as they may be advised.

Where Real or Personal Property is the Subject of Proceedings, Court may allow to Parties Part or the whole of the annual Income. 15 & 16 Vict. c. 86. s. 57.

160. Where any Real or Personal Property shall form the Subject of any Proceedings in the Court of Chancery, and the Court shall be satisfied that the same will be more than sufficient to answer all the Claims thereon which ought to be provided for in such Suit, it shall be lawful for the said Court, at any Time after the Commencement of such Proceedings, to allow to the Parties interested therein, or any One or more of them, the whole or Part of the annual Income of such Real Property, or a Part of such Personal Property, or a Part or the whole of the Income thereof, up to such Time as the said Court shall direct, and for that Purpose to make such Orders as may appear to the said Court necessary or expedient.

Answer of Defendant on Motion for Injunction, or Receiver, &c. to be regarded as an Affidavit. 15 & 16 Vict. c. 86. s. 59.

161. Upon Application by Motion or Petition to the Court in any Suit depending therein for an Injunction or a Receiver, or to dissolve an Injunction, or discharge an Order appointing a Receiver, the Answer of the Defendant shall, for the Purpose of Evidence on such Motion or Petition, be regarded merely as an Affidavit of the Defendant, and Affidavits may be received and read in opposition thereto.

Power to obtain the Assistance of Accountants, Merchants, &c. 15 & 16 Vict. c. 80. s. 42.

162. It shall be lawful for the Court, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court to determine any Matter at issue in any Cause or Proceeding, and to act upon the Certificate of such Persons.

Taxing Master to regulate Fees to

163. The Allowances in respect of Fees to such Accountants, Merchants, Engineers, Actuaries, and other scientific Persons shall be regulated by the Taxing Master of the said Court, subject to an Appeal

Appeal to the Court to which the Cause or Matter shall be attached, whose Decision shall be final.

Accountants, &c., subject to Appeal. 15 & 16 Vict c. 80. s. 48.

164. In case any of the Directions herein contained with respect to the Practice and Course of Proceeding in the Court shall by Mistake of Parties fail to be followed in any Suit, it shall be lawful for the said Court, if it shall think fit, upon Payment of such Costs as such Court shall direct, to make such Order giving effect to and rectifying such Proceedings as may be justified by the Merits of the Case.

In case Directions as to Practice, &c. not followed, Court may make Order and award Costs. 15 & 16 Vict. c. 86. s. 60.

165. When by any Decree or Order Costs shall be ordered to be paid to any Person, and the Person to whom such Costs shall be ordered to be paid shall die before such Costs shall have been taxed or the Amount thereof ascertained, such Costs may be taxed and ascertained by the Taxing Master, notwithstanding the Death of such Person, on the Application of his personal Representative.

Costs may be taxed, notwithstanding the Death of Person to whom they are awarded.

166. When by any Decree or Order Costs shall be ordered to be paid by any Person, and in consequence of the Death of such Person such Costs cannot, according to the existing Law or Practice, be taxed or ascertained, it shall be lawful for the Court, on the Application of the Person entitled to such Costs, to direct the Taxing Master to tax and ascertain the same, upon Service of a Summons upon the personal Representative of the Person by whom such Costs have been ordered to be paid, or such Person as the Court shall appoint to represent the Estate of such deceased Person.

Costs may be taxed notwithstanding Death of Person by whom they are payable.

167. Summonses to tax Costs, pursuant to the Two last preceding Sections of this Act, shall be served in like Manner as ordinary Summonses issued by the Taxing Master, or in such Manner as the Taxing Master shall by any Writing to be signed by him direct.

Summons to tax to be served in ordinary Way.

168. The Taxing Master may proceed ex parte with such Taxation, in case the Person served with such Summons shall not, by himself or his Solicitor, attend pursuant thereto.

Taxing Master may proceed ex parte.

169. All Costs taxed and ascertained under the Provisions of this Act may be recovered and paid in like Manner as if the same had been taxed and ascertained in the Lifetime of the Person to whom or by whom the same shall have been awarded to be paid, or of the Person in consequence of whose Death the same could not, according to the existing Law or Practice, have been taxed or ascertained, any Law or Practice to the contrary notwithstanding.

Taxed Costs may be recovered.

Persons claiming Government Stock standing in the Name of another may sue out Writ of Injunction to restrain the Transfer. 5 Viet. c. 5. s. 5.

170. On and after the day of it shall be lawful for any Person claiming any Government Stock transferable at the Bank of Ireland, standing in the Name or Names of any Person or Persons or Body Politic or Corporate in the Books of the Governor of the Company of the Bank of Ireland, to sue out of the Office of the Clerk of Appearances and Writs a Statutory Writ of Injunction to restrain the Bank from permitting the Transfer or Payment of the said Stock or the Dividends thereof for a Time certain to be limited by the said Writ; and such Writ shall be in the Form set forth in the Schedule (B.) to this Act: Provided always, that the Force, Duration, and Effect of the said Writ, and generally the Practice under or relating to the same, shall be such as shall be declared by the General Orders of the Court.

Pending Suits to be prosecuted according to present Practice.

171. Notwithstanding anything herein-before contained, all Suits which on the *Day of* shall be pending in the said Court, and all Suits commenced before the last-mentioned Day, which shall after that Day be continued or prosecuted in the said Court, shall be so conducted, continued, or prosecuted in the same Manner and according to the same Practice as if this Act had not passed: Provided always, that it shall be lawful for the Lord Chancellor, by an Order to be made upon Motion or Petition in any particular Suit, to direct that the whole or any Part of the further Proceedings in such Suit shall thenceforth be continued, carried on, and prosecuted according to the Practiee then in force for the Conduct of Suits commenced after the *Day of*

Lord Chancellor and Judges to make General Rules and Orders for carrying Purposes of this Act into effect.

172. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lord Justice of the Court of Appeal in Chancery, and the Vice-Chancellor, or any Two of them, may and they are hereby required from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Forms and Course of Procedure, and the Mode of taking Evidence in Suits, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers of the said Court and Solicitors thereof in respect to such Matters, and the Costs of any Proceedings under or in pursuance of this Act, and, so far as may be found expedient, for altering the Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates, or any of them; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority; and all such Rules and Orders shall take effect as General Orders of the said Court: Provided always, that in making such

General

General Rules and Orders regard shall be had to the Recommendations contained in the Report of the said Commissioners, with the view as far as may be possible of establishing and preserving Uniformity in the Practice and Course of Procedure in the Courts of Chancery in England and Ireland respectively.

Such General Rules and Orders to be laid before Parliament.

173. All such General Rules and Orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting within *Five Days* after the next Meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within *Thirty-six Days* after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole, or such Part thereof as shall be so included in such Resolution, shall from and after such Resolution cease to be binding.

PART IV.

Fees and Stamps.

PART IV.

Fees and Stamps.

Power to the Court, with the Assent of the Lords Commissioners of Her Majesty's Treasury, to allow the Chancery Fund Duties payable under 4 G. 4. c. 78.

174. Whereas the Alterations in the Practice and Course of Procedure in the said Court will affect the Duties at present levied in respect of Proceedings in the said Court under the Name of Chancery Fund Duties, and in pursuance of the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act to grant additional "Stamp Duties on certain Proceedings in the Court of Chancery "and in the Equity Side of the Court of Exchequer in Ireland," and it is essential that Power should be given to the Court, with the Consent of the Lords Commissioners of Her Majesty's Treasury, to modify such Duties, so as to adapt the same to the Practice and Course of Procedure to be introduced pursuant to this Act: Be it enacted, That it shall be lawful for the Court, by any General Orders to be made as by this Act directed, and with the Consent of the Lords Commissioners of Her Majesty's Treasury, to *vary*, reduce, or abolish all or any of the Chancery Fund Duties now payable in relation to Proceedings in the said Court, and to substitute One or more Duty or Duties in lieu thereof, and the Court shall have full Power by any such General Orders from Time to Time to abolish any such Duties as aforesaid, anything in any Act or Acts relating to such Duties to the contrary notwithstanding.

 175. From

Fees now payable in respect of Proceedings in Court, and accounted for to the Treasury, to be added to the Chancery Fund Duties.

175. From and after the Day of the Fees now payable in relation to Proceedings in the Court of Chancery in Ireland, and which are received in Money, and accounted for to Her Majesty's Treasury, shall be no longer received in Money, but shall be added to "The Charcery Fund" Duties at present payable in respect of such Proceedings, and such Fees shall be subject to be *varied*, reduced, or abolished in the Manner heretofore provided in respect of such Chancery Fund Duties; and all the Provisions at present in force in relation to the Collection and accounting for the said Chancery Fund Duties shall apply to the Collection and accounting for the said Fees.

Fees which are now accounted for to Suitors Fee Fund to be henceforth received by Stamps.

176. *That from and after the Day of the Fees in relation to Proceedings in the said Court now received in Money, and which are accounted for with the Accountant General of the Court of Chancery in Ireland, for the Credit of the Account called the Suitors Fee Fund Account, shall no longer be received in Money, but by a Stamp denoting the Amount of the Fee which otherwise would be payable, and to be called "Chancery Fee Fund Stamp;" and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall by any General Order or Orders be directed, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceedings; and all Sums received in respect of such Chancery Fee Fund Stamps shall be accounted for and paid over to the said Accountant General, to be placed by him to the Credit of the Suitors Fee Fund Account of the Court of Chancery in Ireland, in the same Manner as the Fees represented by such Stamps now are.*

No Officer hereafter to receive Fees for his own Use, but all Officers to be paid by Salary.

177. *From and after the Day of no Officer of the Court of Chancery shall be entitled to receive and retain for his own Use any Fee or Reward whatsoever; and all Officers of the Court of Chancery and of the Judges thereof now entitled to receive and retain any Fees or other Payments for their own Use which by virtue of this Act they will cease so to receive after the Day of shall while they continue to hold their respective Offices receive, in lieu of all Fees or other Payments whatsoever now received by or paid or payable to them for their own Use, such Salary as, having regard to the Emoluments heretofore received by them, and to the Nature and Tenure of such Offices, the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury shall think just; and every such Officer shall in respect*

respect of the Salaries so fixed be in the same Position as regards his Superannuation Allowance as if such Fees continued to be payable; and upon the present Holders of such Offices respectively ceasing to hold the same the Lord Chancellor, with the Assent of the Lords Commissioners of Her Majesty's Treasury, shall fix the Salaries to be thereafter received in respect thereof with reference to the Nature and Duties of such Offices respectively.

Officers to continue to receive Fees until Lord Chancellor shall otherwise direct, and pay them into the Suitors Fee Fund.

178. It shall be lawful for all Officers of the Court of Chancery and of the Judges thereof, heretofore entitled to receive any Fees or Emoluments for their own Use, and for their Successors in their respective Offices, and their several and respective Clerks or Agents, to continue to receive and take all and every the Fees and Emoluments which have been accustomed to be paid to them until the Lord Chancellor shall by any Order or Orders otherwise direct; and all such Fees and Emoluments as shall accrue and be received by such Offices respectively, from and after Day of shall be accounted for with Her Majesty's Treasury, or with the Accountant General of the Court of Chancery in Ireland, and for the Benefit of "The Suitors Fee Fund Account," as the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury shall determine; and the Salaries of such Officers shall thenceforth be payable either out of the Suitors Fee Fund or such Monies as shall be provided by Parliament for that Purpose, according as to the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury shall determine.

Power to vary Fees.

179. It shall be lawful for the Court by any General Orders to be made as by this Act directed, and with the Consent of the Lords Commissioners of Her Majesty's Treasury, to *vary*, reduce, or abolish all or any of the Chancery Fund Duties, Chancery Fee Fund Stamps, into which such Fees may be commuted under this Act, and to substitute One or more Fee or Fees, *Stamp or Stamps*, in lieu thereof, and to direct that all or any of such Fees or *Stamps* shall from a Day to be named in such Orders and thenceforth be collected.

The Commissioners of Inland Revenue to carry General Orders relating to Fees and Stamps into effect. 15 & 16 Vict. c. 87. s. 8.

180. *The Commissioners of Inland Revenue shall from Time to Time give the necessary Directions for carrying the Provisions of the Act and of every General Order of the Court made in pursuance thereof into effect, and shall provide everything that shall be necessary for that Purpose, and shall do or cause to be done everything that shall be necessary for the Receipt and Collection of the Money to be paid for such Stamps; and the said Commissioners shall cause separate and distinct Accounts to be kept of all Sums of Money received*

received or collected by them for such Chancery Fee Fund Stamps, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the Provisions of the Act as to such Chancery Fee Fund Stamps into effect; and it shall be lawful for the said Commissioners to pay and to deduct and retain out of such Monies all such Costs Charges, and Expenses, and also to deduct all Sums of Money repaid on Allowances for spoiled Stamps, and after such Deduction they shall from Time to Time pay the Monies so to be received and collected into the Bank of Ireland, with the Privity of the Accountant General of the Court of Chancery, to the Credit of the Suitors Fee Fund of the Court of Chancery in Ireland.

Provision Sale of Stamps. 15 & 16 Vict. c. 87. s. 9.

181. *It shall be lawful for the Lord Chancellor to direct any of the Officers of the Court of Chancery whose Duties may be diminished in consequence of the Substitution of Stamps for Money Payments or otherwise under this Act to act under the Directions of the Commissioners of Inland Revenue in the Sale and Distribution of all or any of the Stamps to be used under this Act: Provided always, that in case it appear to the Lord Chancellor, having reference to the Duties to be performed by such Officers or any of them, that it is not convenient that they should act as aforesaid in the Sale and Distribution of Stamps, it shall be lawful for the Commissioners of Inland Revenue to appoint Persons for such Sale and Distribution, and to allow to such Persons so to be appointed by them such Discount or Poundage as they may think fit.*

Commissioners of Inland Revenue may make Regulations as to Allowance for spoiled Stamps. 15 & 16 Vict. c. 87. s. 10.

182. *It shall be for the Commissioners of Inland Revenue from Time to Time to make such Regulations as they shall think fit for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage (if any) allowed on the Sale of Stamps of the like Kind.*

Commissioners to have Powers in 5 & 6 Vict. c. 82. 15 & 16 Vict. s. 11.

183. *For the Purpose of raising, levying, and collecting the Stamps and other Duties made payable by this Act, the Commissioners of Inland Revenue shall have and be vested with all the Powers and Authorities of the said Act of the Fifth and Sixth Victoria, Chapter Eighty-two, and the Acts therein recited or referred to; and the several Provisions of the said Acts (so far as the same are not inconsistent with this Act) shall be applicable to the*

Stamps

Stamps and other Duties to be collected and raised under this Act, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relative thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

No Document to be received or used unless stamped. 15 & 16 Vict. c. 87. s. 12.

184. No Document which by any such General Orders as aforesaid shall be required to have a Stamp impressed thereon or affixed thereto shall be received or filed, or be used in relation to any Proceeding in the Court of Chancery, or be of any Validity for any Purpose whatsoever, unless or until the same shall have a Stamp impressed thereon or affixed thereto, in the Manner directed by such Order: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon or affixed thereto has through Mistake or Inadvertence been received or filed or used without having such Stamp impressed thereon or affixed thereto, it shall be lawful for the Lord Chancellor, if he think fit, to order that such Stamp shall be impressed thereon or affixed thereto; and thereupon, when a Stamp shall have been impressed on such Document or affixed thereto, in compliance with any such Order, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed. 15 & 16 Vict. c. 87. s. 13.

185. If any Officer of the Court of Chancery or other Person shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected or which ought to be collected by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission in relation to any such Stamp or Fee as aforesaid, whereby any Fee or Sum of Money which ought to be collected shall be lost or the Payment thereof evaded, every such Officer or Person so offending shall be dismissed from his Office or Employment, if the Lord Chancellor shall think fit so to order.

Acts and General Orders shall apply to reduced Fees.

186. When any of the Fees now payable shall be reduced as aforesaid, the Provisions of all Acts and General Orders relating to the original Fees, save where inconsistent with this Act or the General Orders to be made as by this Act directed, shall apply to such reduced Fees.

 187. Nothing

Act not to extend to Fees in Bankruptcy.

187. Nothing in this Act contained shall apply to the Stamp Duties or Fees payable in the Bankrupt Court, or to abolish the Stamp Duties or Fees relating to Commissions of Bankruptcy.

PART V.

Miscellaneous.

PART V.

Miscellaneous.

Salaries to be payable quarterly out of Fee Fund.

188. Except as herein otherwise provided, all Salaries and Compensation under this Act shall grow due from Day to Day, but shall be payable under an Order of the Lord Chancellor *on the Day of , the Day of , the Day of , and the Day of* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing in the Books of the Bank of Ireland in the Name of the Accountant General of the Court of Chancery to the Account intituled "The Suitors Fee Fund Account," but subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout; and if the said Fund shall prove insufficient for the Payment of the said Salaries, the Balance shall be paid out of such Funds as Parliament shall from Time to Time provide for the Purpose; and if any Person holding any of the said Offices shall die, resign, or be removed from the same, or if any Person entitled to such Allowance shall die, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have lived or executed his Office since the last Payment.

Funds, the Dividends of which have not been received for Fifteen Years, may be transferred to the Suitors Fee Fund Account. 16 & 17 Vict. c. 98. s. 1.

189. It shall be lawful for the Lord Chancellor, at such Time within *Nine Calendar Months* after the passing of this Act as shall appear to him to be most convenient, to cause an Investigation to be made into the several Accounts standing in the Name of the said Accountant General to the Credit of any Cause or Matter the Dividends of which shall not have been dealt with for *Fifteen Years* or upwards prior to such Time, and if and when he shall be of opinion that it is not probable that any Claim will be made for the same, to make Orders for the Appropriation of the future Dividends to accrue due on such Stock or such Part of such Dividends as he shall be of opinion may safely and properly be so appropriated as the

the same shall accrue for the Benefit of the Suitors of the said Court, and for the carrying the same over to the Credit of the Account in the Books of the Accountant General called the Suitors Fee Fund Account; and such Dividends, when so carried over, shall thereupon become Part of the Fund standing to such Account.

Rights of Suitors to Stock or Dividends transferred not to be affected, but to be satisfied out of the Suitors Fee Fund. 16 & 17 Vict. c. 98. s. 2.

190. The Right of any Suitor of the said Court to the Stock the Dividends of which shall be appropriated by any such Order or Orders as aforesaid, or to the Dividends so directed to be appropriated, shall not be in anywise prejudiced or affected by such Order or Orders, or by such Appropriation in pursuance thereof as aforesaid, but the Claims of such Suitor or Suitors shall be made good and satisfied out of the Fund standing to the Credit of the Accounts called the Suitors Fee Fund Account and the Suitors Unclaimed Dividend Account, or either of them, by virtue of any Order or Orders to be from Time to Time made by the said Court for that Purpose.

Periodical Investigations and Transfer to be made of Accounts the Dividends of which have not been received for Fifteen Years. 16 & 17 Vict. c. 98. s. 3.

191. At the Expiration of every Five Years from such first Investigation as aforesaid it shall be lawful for the Lord Chancellor to cause a similar Investigation to be made with the several Accounts standing in the Name of the said Accountant General to the Credit of any Suit the Dividends of which shall not have been received for *Fifteen Years* or upwards prior to such Time; and thereupon the same Course shall be pursued in every respect with respect to such Accounts as is herein-before directed with respect to the Investigation so to be made within *Nine Calendar Months* after the passing of this Act; and the Provisions herein-before contained, saving the Rights of the Suitor to any Dividends which may have been appropriated upon or in consequence of such Investigation, shall extend and be applicable to every successive Investigation so to be made as aforesaid.

Commencement of the Act.

192. This Act shall commence and take effect from and after the *Day of* , provided that such General Orders as as aforesaid may be made at any Time after the passing of this Act, but so as that the same shall not be made to take effect before the Time appointed for the Commencement of this Act.

SCHEDULES.

SCHEDULE (A.) REFERRED TO BY THE FOREGOING ACT.

13 & 14 Victoria, c. 14. ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33.

23 & 24 Victoria, c. 38. s. 14.

SCHEDULE (B.) REFERRED TO BY THE FOREGOING ACT.

Form of Endorsement on Bill of Complaint.

Victoria R.

To the within-named Defendant, *C.D.*, greeting:

We command you ["and every of you," *where there is more than One Defendant*], that within Eight Days after Service hereof on you, exclusive of the Day of such Service, you cause an Appearance to be entered for you in Our High Court of Chancery to the within Bill of Complaint of the within-named *A.B.*, and that you observe what Our said Court shall direct. Witness Ourselves at Dublin, the Day of in the Year of Our Reign.

NOTE.—If you fail to comply with the above Directions you will be liable to be arrested and imprisoned.

Appearances are to be entered at the Office of the Clerk of Appearances and Writs, Four Courts, Dublin.

Form of Replication.

Between *A.B.*, Plaintiff,

and

C.D., *E.F.*, *G.H.*, &c. Defendants.

The Plaintiff in this Cause hereby joins Issue with the Defendant [*all the Defendants who have answered, or against whom a Traversing Writ has been filed, or who have not been required to answer and have not answered the Bill*], and will hear the Cause upon Bill and Answer against the Defendant *E.F.* [*all the Defendants against whom the Cause is to be heard on Bill and Answer*], and on Order to take the Bill as confessed against the Defendant *G.H.* [*as the Case may be*].

Form

Form of Order for Administration of Personal Estate.

[Date.]

In the Matter of *A.B.*, late of in the County of Banker [*or as Case may be*], deceased.

Upon Motion of Mr. , Counsel for [*or* the Application of] *C.D.*, the Executor of the Will, *or* Administrator of the Effects of the above-named *C.D.*, and reading the Probate of the said Will *or* Letters of Administration of the Effects of the said *A.B.*, granted on the Day of , to the said *C.D.*, and an Affidavit of the said *C.D.* that no Proceedings are pending to administer the Estate of the said *A.B.*, this Court doth order that an Account be taken of the Debts and Liabilities affecting the Personal Estate of the said *A.B.*: And it is ordered, that in taking such Account Debts are to be distinguished from Liabilities, and Liabilities certain from Liabilities contingent; and the Personal Estate of the said *A.B.* is to be applied in Payment and Satisfaction of such Debts and Liabilities of the said *A.B.* in a due Course of Administration; and any of the Parties are to be at liberty to apply to the Court as there shall be Occasion.

Form of Statutory Writ of Injunction to restrain the Transfer of Stock or Payment of Dividends.

Victoria, &c.

To the Governor and Company of the Bank of Ireland.

We command you, that after the Service of this Writ on you you do not permit the Sum of , now standing in your Books in the Name of [*here state Person or Persons in whose Name or Names the Stock is standing*], to be transferred, or the Dividend that is now due or to accrue due thereon to be paid, until you shall be served with an Order of Our Court of Chancery in Ireland to the contrary, or until this Writ shall be discharged by an Order of Our said Court, to be made in any Cause or Matter, or until the Lapse of Eight clear Days after a written Request by the said [*the Person or Persons in whose Name or Names the Stock is standing*], his Executors, Administrators, or Assigns, or some Person on their or his Behalf, to permit such Transfer to be made or Payment received.

Court of Chancery (Ireland).

A

B I L L

To alter the Constitution and amend the Practice and Course of Proceeding in the High Court of Chancery in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland, Sir Robert Peel, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 25 *April* 1864.

[Bill 78.]

Under 8 *oz.*

A

BILL

TO

Provide for the Alteration of the Circuits of the Court of Justiciary in Scotland, and for holding additional Circuit Courts.

WHEREAS it is expedient to make Provision for altering the Circuits of the Court of Justiciary in Scotland, and for holding additional Circuits: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. It shall be lawful for Her Majesty in Council, from Time to Time as Her Majesty in Council may think fit, to alter the Circuits of the Court of Justiciary in Scotland, or any of them, to form new Circuits, to fix and determine the Limits of each existing or new Circuit, and the Counties or Portions of Counties, Cities or Burghs, and Districts, which shall be included within the same, to detach any County or Portion of a County from any Circuit, and to include the same in any other existing or new Circuit, and also to fix and determine the Times and Places at which the Circuit Courts shall be held within each such Circuit, and to alter such Times and Places, and to direct that any Circuit Court may cease to be held at any Circuits may be altered, and additional Circuits may be appointed, by Order in Council.

any Place where such Court has hitherto been held, and may be held at any other Place.

Orders to be published, and Date of taking Effect.

2. Every Order to be made by Her Majesty in Council in pursuance of this Act shall be published in such Manner as Her Majesty in Council may direct, and shall take effect from the Date thereof, or from such other Date as may be specified therein.

Court of Justiciary to make Orders and Regulations.

3. It shall be lawful for the Judges of the Court of Justiciary, and they are hereby required, from Time to Time, to make such Orders and Regulations, and to pass such Acts of Adjournal, as may be necessary for carrying into effect the Provisions of this Act, and of any Order to be made by Her Majesty in Council in pursuance thereof.

Court of Justiciary (Scotland).

A

BILL

To provide for the Alteration of the Circuits of the Court of Justiciary in Scotland, and for holding additional Circuit Courts.

(*Prepared and brought in by The Lord Advocate, Sir George Grey, and Sir William Dunbar.*)

Ordered, by The House of Commons, *to be Printed*, 23 *February* 1864.

[Bill 31.]

Under 1 *oz.*

Court of Queen's Bench (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Lord Chief Justice, &c. to make Rules as to Practice, &c. at Crown Side of Queen's Bench, Ireland; Sect. 1.

Parties filing Pleadings to deliver Copies with Notice, and attested Copies not required to be taken out; 2.

Chief Clerk in Office of Clerk of Crown to have Power to take Affidavits; 3.

A

B I L L

TO

Amend the Practice and Procedure at the Crown Side of the Court of Queen's Bench in Ireland.

WHEREAS it is expedient to amend the Practice and Procedure of the Crown Side of the Court of Queen's Bench in Ireland by assimilating the same, as far as practicable, to the Practice and Procedure of the Court of Queen's Bench in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. It shall and may be lawful for the Lord Chief Justice and the Judges of the Court of Queen's Bench in Ireland, or any Three of them, to make such Rules, Orders, and Regulations, from Time to Time, for the Care and Custody of the Records and other Proceedings on the Crown Side of the said Court, and the Enrolment thereof, and the issuing, returning, and filing of Writs and other Proceedings, and all other Matters and Things relating to the Practice and the general Business to be transacted on the Crown Side of the said Court, as to them shall seem fit and proper. Lord Chief Justice, &c. to make Rules as to Practice, &c. at Crown Side of Queen's Bench, Ireland. 6 Vict. c. 20. s. 16.

2. On the filing of any Pleading, Affidavit, Document, or Proceeding at the Crown Side of the Court of Queen's Bench in Ireland, Parties filing Pleadings

to deliver Copies with Notice, and attested Copies not required to be taken out.

Ireland, of which it shall be necessary to give Notice, the Party filing the same shall cause to be served and delivered, together with the Notice thereof, a true Copy of such Pleading, Affidavit, Document, or Proceeding; and it shall not be necessary for either Party to take out or produce in Court or before any Judge an attested Copy of such Pleading, Affidavit, Document, or Proceeding.

Chief Clerk in Office of Clerk of Crown to have Power to take Affidavits.

3. It shall be lawful for the Chief Clerk for the Time being appointed or employed, or who shall hereafter from Time to Time be appointed or employed, by the Clerk of the Crown under the Provisions of an Act passed in the Session of Parliament holden in the Second Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate the Office of Clerk of the "Crown in the Court of King's Bench in Ireland," and so long only as such Chief Clerk shall hold such Office, whenever he shall be thereunto required, except on Sundays, Good Friday, and Christmas Day, to take Affidavits or Affirmations in all Matters relating to the Business of the Crown Side of the Court of Queen's Bench in Ireland, and to administer the necessary Oaths for that Purpose; and all such Oaths, Affidavits, and Affirmations shall be of the same Force, Validity, and Effect, and shall and may be proceeded upon and dealt with in all respects and to all Intents and Purposes, as if the same had been taken, made, or administered by or before the said Court or any of the Judges thereof; and any Person who shall wilfully or corruptly swear or affirm anything false in any such Affidavits or Affirmations so taken or administered by the said Chief Clerk shall be subject to all Pains, Penalties, Punishments, and Disabilities for wilful and corrupt Perjury, in like Manner as if such Affidavits or Affirmations had been made or taken by or in the said Court of Queen's Bench, or by or before any of the Judges thereof.

Court of Queen's Bench (Ireland).

A

BILL

To amend the Practice and Procedure at the Crown Side of the Court of Queen's Bench in Ireland.

(Prepared and brought in by Mr. Attorney General for Ireland and Sir Robert Peel.

Ordered, by The House of Commons, *to be Printed,* 27 *May* 1864.

[Bill 123]

Under 1 *oz.*

Courts of Conciliation Bill.

ARRANGEMENT OF CLAUSES.

Commencement and Short Title of Act; Sect. 1.
Interpretation; 2.
Judge of County Court may hold Courts of Conciliation; 3.
Powers of Judge when sitting in Chambers under this Act; 4.
Procedure under this Act; 5.
How Decision of Judge enforced; 6.
Treasury to regulate Fees to be taken under this Act; 7.
SCHEDULES.

A

BILL

TO

Enable Persons between whom Disputes have arisen to settle their Differences without resorting to Litigation.

WHEREAS it is expedient to provide a Method by which Persons between whom Differences have arisen may have their Disputes amicably settled without recourse being had to Litigation: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. This Act shall commence and take effect immediately after the passing hereof; and in citing the same in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The Courts of Conciliation Act, 1864." Commencement and Short Title of Act.

2. In this Act the Word "Person" shall include Apprentices and Minors who have Disputes with their Masters or Employers, Corporations, Joint Stock and other Companies, and Industrial, Provident, and Friendly Societies; the Word "Judge" shall include the Deputy of the Judge, and the Judge shall accordingly Interpretation.

have Power, if he shall see fit, from Time to Time to appoint a Deputy for the Purposes of this Act, and to exercise the Powers therein conferred on the Judge of the County Court; and the Words "the Court" and "County Court" shall be held to mean a Court established and holden under the Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "An Act for the more easy Recovery "of small Debts and Demands in England," or any Act altering or amending the same, and shall include any Court of Record the Judge of which is by the Terms of his Appointment required to be a Barrister of *Five Years* Standing at the Bar.

Judge of County Court may hold Courts of Conciliation.

3. It shall be lawful for the Judge of any County Court who shall see fit so to do to sit in Chambers, at any Place within the District of the Court, for the Purpose of deciding any Questions respecting their legal Rights that may have arisen between Person willing to refer their Disputes to his amicable Decision and Adjustment, and on hearing such Persons and their Witnesses, if any, summarily and finally to decide the Matter or Matters in dispute so submitted to him, or refrain from adjudicating upon the same, as to him shall seem fit.

Powers of Judge when sitting in Chambers under this Act.

4. For the more efficient Exercise of the Jurisdiction conferred by this Act, the Judge of the County Court when sitting in Chambers under this Act shall have Power to order and determine what he shall think fit to be done respecting the Matters in dispute by either Party, who shall be bound and concluded by such Determination, and also in respect of the Matters brought before him, all the Powers, Jurisdiction, and Authority of a sole Arbitrator, including the Power of stating, at the Request of the Parties, a Special Case for the Opinion of One of the Superior Courts of Common Law, and in order to compel the Attendance of Witnesses, if need be, and in so far otherwise as may be necessary, the same Powers, Jurisdiction, and Authorities as if he were sitting in open Court.

Procedure under this Act.

5. Any Persons between whom Disputes or Differences may have arisen, and who are desirous of having the same settled or adjusted under this Act, may obtain at the Chambers of the Judge a Memorandum of Agreement or Submission, which may be in the Form contained in Schedule (A.) to this Act annexed, or to the like Effect, in which Memorandum the Judge shall, in Presence of the Parties, unless they shall have previously done so themselves, state the Question or Questions for his Decision or Adjustment as agreed to by them; and such Agreement being then or previously signed by the Parties, the Judge shall then, or as soon thereafter as

as conveniently may be, proceed to hear the Parties and their Witnesses, if any, and to determine the Question or Questions between them, or refrain from so doing, or state a Special Case, if required so to do, as he shall see fit, and in either Case may state his Decision, if called upon so to do, by a Certificate under his Hand, which may be in the Form contained in Schedule (B.) to this Act annexed, or to the like Effect, and shall have the same Force as regards the Matters therein disposed of as an Award made and published in due Form of Law.

How Decision of Judge enforced.

6. Any Certificate granted under this Act may, together with the Memorandum before mentioned, be entered on the Minutes of the Court, and filed as a Record thereof, and be thereafter enforced like an ordinary Judgment, or by being made a Rule of any of the Superior Courts of Common Law at Westminster, or summarily by the Order made at Chambers of a Judge of any of the said Superior Courts, or of any of the Vice Chancellors of the High Court of Chancery.

Treasury to regulate Fees to be taken under this Act.

7. The Commissioners of Her Majesty's Treasury may from Time to Time, with the Consent of the Lord Chancellor, direct what Fees shall be taken in respect of Proceedings under this Act and the Application of such Fees; and every Order made by them under this Act shall be notified to both Houses of Parliament, in like Manner as Alterations in the Scale of Fees leviable in the County Courts under the Provisions of the Statute passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled "An Act to amend the Acts "relating to the County Courts."

SCHEDULES.

SCHEDULE (A.)

In the County Court of *X.*, holden at *Z.*

"The Courts of Conciliation Act, 1864."

A.B. of and *C.D.* of hereby agree to refer to the Award, Order, and final Determination [*or* to the amicable Decision and Adjustment] of the Judge of this Court [*ex. gra., generally*] all Disputes and Matters in difference whatsoever between them [*or* all Disputes and Differences that have arisen between them, *ex. gra., specially*], touching the alleged Sale by the said *A.B.* to the said *C.D.* of, *&c., &c.; or* touching the Non-completion by the said *C.D.* of an alleged Contract to build a Stable and Outhouses for the said *A.B.; or* respecting the said *C.D.*'s Accounts as Town Traveller for the said *A.B.; or* relating to certain Matters of Account concerning the Sale and Purchase of certain Railway Shares, in which the said *C.D.* acted as Agent for the said *A.B.; or* respecting the Dilapidations to be made good by the said *C.D.* in a House of the said *A.B.* recently occupied by him, *&c. &c.*

Dated this Day of 186 .

(Signed) *A.B.*

(Signed) *C.D.*

SCHEDULE (B.)

In the County Court of *X.* holden at *Z.*

"The Courts of Conciliation Act, 1864."

Between *A.B.* of and *C.D.* of

I certify that the above-named *C.D.* is justly and truly indebted to the above-named *A.B.* in the Sum of *25l. 10s.*, of which I order and direct the said *C.D.* to make Payment to the said *A.B.* within *Ten Days; or,*

I certify that the above-named *C.D.* failed to build and complete a Stable and Outhouses for the above-named *A.B.* according to his Contract

Contract in that Behalf; I find that the said *A.B.* has since such Default completed the same himself, and that the Expense of so doing amounts to *34l.*; and I therefore order and direct the said *C.D.* to make Payment, *&c. &c.*; *or*,

I certify that on stating the Accounts current between the above-named *A.B.* and the above-named *C.D.* as his Town Traveller, there is due to the said *A.B.* a Balance of *50l.*, and I accordingly order and direct the said *C.D.* to make Payment, *&c.*; *or*,

I certify that the Dilapidations to be made good by the above-named *C.D.* in the House of the above-named *A.B.* can only be done at an Expense of *42l.*, and I accordingly order and direct, *&c. &c.*

Witness my Hand this Day of 186 .

T.T.,
Judge of the said Court.

Courts of Conciliation.

A

BILL

To enable Persons between whom Disputes have arisen to settle their Differences without resorting to Litigation.

(*Prepared and brought in by Mr. Edward Pleydell Bouverie and Mr. Hardcastle.*)

Ordered, by The House of Commons, *to be Printed*, 27 *July* 1864.

[Bill 242.]

Under 1 *oz.*

Courts of Justice Money Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Short Title of Act; Sect. 1.

Definitions; 2.

Provision of Funds for Works.

Advances to be made by the Paymaster General; 3.

Repayment of Advances.

Repayments to the Account of the Paymaster General to be carried to and be made Part of the Consolidated Fund; 4.

Mode of Repayment of Advances to Consolidated Fund; 5.

1,000,000*l.* Stock to be contributed by the Court of Chancery; 6.

Contribution of Suitors other than of the Court of Chancery to be ascertained, and discharged by a Fifty Years Redemption Annuity; 7.

Mode of ascertaining Amount chargeable on the Suitors; 8.

Apportionment amongst Suitors other than those of the Court of Chancery of their Contribution; 9.

Mode of levying Contribution; 10.

Annual Adjustment of Suitors Redemption Annuity; 11.

Cessation of Rent of Courts Fee; 12.

Power of Treasury to make Regulations; 13.

Power to redeem Chancery Compensations out of Capital.

The Chancery Compensations may be redeemed or paid out of the Capital of Court Funds; 14.

Indemnity against Loss by Appropriation of Surplus Interest Fund; 15.

Saving of Jurisdiction on Removal of Courts.

Saving of Jurisdiction of Courts; 16.

Forms of Writs to be altered by Order in Council; 17.

Transfer of Property now used for Offices.

Discontinuance of existing Courts and Offices; 18.

Society of Lincoln's Inn may repurchase Site of Six Clerks and Registrars Offices. Trusts declared by 56 G. 3. c. 84. to be discharged. Lord Chancellor to adjust Accounts. On Payment of Balance Lord Chancellor to make Vesting Order; 19.

SCHEDULE.

A

B I L L

TO

Supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto ; and for other Purposes.

WHEREAS a Bill has been or is about to be introduced into Parliament in the present Session by the Short Title of "The Courts of Justice Building Act, 1864," and the Purposes intended to be carried into effect by such Bill are the Acquisition of a Site capable of affording Accommodation to the Superior Courts of Law and Equity, the Probate and Divorce Courts, the High Court of Admiralty, and the various Offices belonging to the same, and to such other Courts for the Administration of Justice, and Offices connected therewith, as may be required, and the Erection of suitable Buildings, with all proper Furniture and Conveniences, for such Courts and Offices: Preamble.

And whereas it is expedient that the Cost of erecting the said Courts of Justice should be borne, as follows :

1st. By Money to be provided by Parliament to the Extent of the Value of Property surrendered, and of Relief to the Public by the Cessation of Rents now charged to the Public :

2dly. By a Contribution of *One Million Stock*, Part of a Sum of One million two hundred and ninety-one thousand six hundred and twenty-nine Pounds Ten Shillings and Fivepence Stock, now standing in the Books of the Bank of England to the Credit of an Account, intituled "Ac-

" count of Securities purchased with Surplus Interest " arising from Securities carried to Account of Monies " placed out for the Benefit and better Security of the " Suitors of the High Court of Chancery :" which has arisen from the Profit of Investments, made under the Authority of Parliament at the Risk of the Public, of unemployed Cash Balances paid into the High Court of Chancery on account of individual Suitors, and which is herein-after referred to as the Surplus Interest Fund :

3dly. By the Taxation of Suitors of the Courts other than the Court of Chancery to be accommodated in the said Building :

And whereas it is expedient that the Monies required from Time to Time for carrying into effect the Purposes of the said Building Act should be defrayed in the first instance out of Monies to be provided by Parliament :

And whereas the Capital of the aforesaid Surplus Interest Fund is ultimately liable to make good any Deficiency which may occur in the general Cash Balance remaining in the Court of Chancery from Time to Time for Payment of the Sums due to the Suitors of the said Court, and the same is, with other Funds in Chancery, also charged with the Payment of certain Compensations in the Nature of Life Annuities and other temporary Charges, and it is expedient that Provision should be made for such Liabilities and Charges in the Manner herein-after appearing :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preliminary.

Short Title of Act.

1. This Act may be cited for all Purposes as "The Courts of Justice Money Act, 1864."

Definition.

2. "The Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being or any Two or more of them :

"Suitors" shall mean and include not only Suitors in Courts but also all Persons proving Wills or conducting Business in any of the Courts or Offices to be accommodated in the said new Buildings other than and except Suitors in the Court of Chancery :

"Compensation Allowances" shall mean and include not only the Compensation Allowances charged on or payable partly or wholly out of the "Surplus Interest Fund" or the Interest or Dividends thereof or other Funds in Chancery and existing at the Time of the passing of this Act, but also the Salaries payable to the abolished Masters in Chancery and their Clerks and to the Master of Reports.

Provision

Provision of Funds for Works.

3. All Advances of Money required from Time to Time for carrying into effect the Purposes of "The Courts of Justice Building Act, 1864," not exceeding in the whole *One million five hundred thousand Pounds*, are to be provided in the first instance by Advances to be made by the Paymaster General out of Monies to be provided by Parliament, and the Paymaster General is to keep a separate Account thereof.

Advances to be made by the Paymaster General.

Repayment of Advances.

4. All Sums of Money which shall be paid into the Bank of England to the Account of the Paymaster General, in repayment of Advances made by virtue of this Act, shall from Time to Time, at such Periods as the Treasury shall direct, be transferred to the Account kept by the said Bank of England with Her Majesty's Exchequer, and when so transferred shall be carried to and made Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Repayments to the Account of the Paymaster General to be carried to and be made Part of the Consolidated Fund.

5. For the Purpose of securing the Repayment of the Advances to be made, under the Provisions of this Act, for the Expense of carrying into effect the Purposes of the said "Courts of Justice Building Act, 1864," there shall be contributed a Sum not exceeding *One million five hundred thousand Pounds*, as follows:

Mode of Repayment of Advances to Consolidated Fund.

First, *Pounds*, out of Money to be provided by Parliament as the estimated Value of the present Courts and Offices, to be transferred to the Commissioners of Public Works and Buildings, or to become available for other public Purposes, and of the Relief from Rental which is at present defrayed out of Public Monies for Buildings in the Occupation of Legal Departments to be hereafter accommodated in the new Courts:

Secondly, *One million Pounds* Three Pound per Cent. Stock, out of the Three Pound per Cent. Consolidated Annuities, and out of the Three Pound per Cent. Reduced Annuities, now standing in the Books of the Bank of England to the Credit of an Account, intituled "Account of Securities purchased with Surplus Interest "arising from Securities carried to Account of Monies placed "out for the Benefit and better Security of the Suitors of the "High Court of Chancery, which Account is herein called "'The Surplus Interest Fund:'"

And lastly, an Annuity for a Term of *Fifty Years*, to be raised by Fees to be imposed as herein-after directed on Suitors and on Processes in the Courts and Offices to be accommodated in the said new Buildings other than the Court of Chancery, equivalent to the Residue of the said Advances, with Interest thereon.

1,000,000*l.* Stock to be contributed by the Court of Chancery.

6. There shall from Time to Time be sold, under the Order of the Lord Chancellor, such Order to be made on the Certificate of the Treasury, such Portions of the said Surplus Interest Fund, to the Extent of but not exceeding in the whole *One million* of the Stock composing the same, as the said Lord Chancellor shall from Time to Time direct; and the Monies arising from every such Sale shall be received by One of the Cashiers of the Bank of England, and be paid by him to the aforesaid Account of the Paymaster General at the Bank of England.

Contribution of Suitors other than of Chancery to be ascertained and discharged by a Fifty Years Redemption Annuity.

7. The Residue of the Advances, with Interest, is to be repaid, and is to be deemed to be discharged, by a Contribution, to be levied on the Suitors (other than those of Chancery) using the said Buildings, of a Redemption Annuity calculated at *Four Pounds* per Centum per Annum on the Amount of such Residue, and payable for a Term of *Fifty Years*, such Term to commence from the Period when such Buildings shall be completed and fit for Occupation, the Commencement of such Period to be announced in the London Gazette by the Direction of the Treasury.

Mode of ascertaining Amount chargeable on the Suitors.

8. The Amount of such Residue so chargeable on the said Suitors is to be ascertained by adding to the Principal Money payable by them Interest from the Time of the respective Advances up to the Commencement of the said Term, at the Rate of *Three Pounds Five Shillings* per Centum per Annum, such being the Rate at which the said Redemption Annuity of *Four Pounds* per Centum has been calculated.

Apportionment amongst Suitors other than those of the Court of Chancery, of their Contribution.

9. The Suitors (other than those of the High Court of Chancery) are to contribute in proportion, as far as may be, to the Use made by them of the Buildings erected in pursuance of the said Building Act.

The Proportion in which the Suitors are to contribute shall, subject to the Provisions of this Section, be determined by the Treasury.

Mode of levying Contribution.

10. The Contribution of the Suitors under this Act shall be levied by means of a separate Fee, herein-after called the Rent of Courts Fee, to be collected by Stamps, to be impressed on or affixed to such Documents in use in each Court or Office to be accommodated in the said new Buildings, and to be of such Amounts as may be from Time to Time determined by the Treasury with the Consent of the Lord Chancellor together with the Chief Judge of each of the Superior Courts of Common Law or any One of

of such Chief Judges; and all the Provisions of any Act of Parliament relating to the Payment or Collection of the Fees levied in any Court in which the Rent of Courts Fee is collected, and relating to the Stamps for collecting such Fees, shall apply to the Rent of Courts Fee payable under this Act.

The Net Produce of such Rent of Courts Fee is to be paid by the Commissioners of Inland Revenue to the Credit of the aforesaid Account of the Paymaster General.

Annual Adjustment of Suitors Redemption Annuity.

11. The said Paymaster General is to keep and annually make up and balance an Account of the Monies due in respect of the said Redemption Annuity and of the Net Produce received in respect of such Rents of Courts Fee, and of all other Payments (if any) made on account of such Redemption Annuity, and the said Fees imposed in respect of such Rent of Courts Fee are to be from Time to Time revised and varied so that the Produce thereof may as nearly as practicable balance and satisfy in each Year the Amount payable in respect of the said Redemption Annuity for that Year: If in any Year there shall be a Deficiency in such Receipts for that Purpose, then such Deficiency is to be satisfied with Interest at *Three Pounds Five Shillings* per Centum per Annum by means of the Produce of such Fees or increased Fees in the next Year, or as soon as conveniently practicable; but if in any Year there shall have been an Excess in the said Receipts beyond the Amount due for such Annuity, such Excess is to be applied in satisfying, discharging, and redeeming so much of the said Annuity as it shall at the Rates aforesaid, and having regard to the Length of Term unexpired, be sufficient to discharge and redeem.

This Account shall be annually laid before Parliament.

Cessation of Rent of Courts Fee.

12. As soon as such Redemption Annuity shall have been satisfied as aforesaid the Rent of Courts Fee shall cease to be levied.

Power of Treasury to make Regulations.

13. Subject to the Provisions of this Act, the Treasury may from Time to Time make Regulations with respect to the Mode of making and replacing the Advances required to be made for the Purposes of this Act, and with respect to all other Matters necessary to carry this Act into effect; and any Regulations made by the Treasury in pursuance of the Power given by this Act shall be as valid as if they were inserted in this Act.

Power to redeem Chancery Compensations out of Capital, and Indemnity of the Chancery Cash Balance.

Chancery Compensations may be

14. The Lord Chancellor may negotiate with any of the Persons entitled to Compensation Allowances for the Purchase or Redemption

redeemed or paid out of the Capital of Court Funds.

tion of the same at a Price not exceeding the Price contained in the Tables referred to in the Act of Parliament of Ten George the Fourth, Chapter Twenty-four, Section Fourteen, either for a gross Amount of Cash or Stock, or for a Government Annuity; and for the Purpose of effecting such Purchase or Redemption, or of providing for any Part of such Compensation Allowances remaining unredeemed which the Income of the Funds charged therewith may be insufficient to satisfy, the Lord Chancellor may order the Sale, Transfer, or Payment of any Part of the Residue of the said Surplus Interest Fund, or of any of the other Funds charged with such Compensation Allowances, or the Purchase therewith from the Commissioners for the Reduction of the National Debt of terminable Annuities either for Lives or for Terms of Years.

Indemnity against Loss by Appropriation of Surplus Interest Fund.

15. *If the General Cash Balance of the Suitors remaining in the Court of Chancery shall be at any Time insufficient to satisfy the Claims of the Suitors thereon, such Deficiency shall, to the Extent to which the aforesaid One million of the said Surplus Interest Fund would have been available, be made good out of the Consolidated Fund; and if the Residue of the Surplus Interest Fund and the other Funds charged with Compensation Allowances are insufficient to meet such Charges, in that Case such last-mentioned Deficiency also shall be made good out of the Consolidated Fund.*

Saving of Jurisdiction on Removal of Courts.

Saving of Jurisdiction of Courts.

16. Notwithstanding their Removal to the Site provided by the Courts of Justice Building Act, 1864, the Superior Courts of Law and Equity may exercise the same Jurisdiction and enjoy the same Rights and Privileges as they have hitherto exercised and enjoyed, and all Statutes, Charters, and other Instruments wherein Westminster is described or referred to as being the Locality of the said Courts shall be construed as if the Site provided by the said Courts of Justice Building Act, 1864, had been described or referred to in the said Statutes, Charters, and other Instruments as the Locality of the said Courts, instead of Westminster.

Forms of Writs to be altered by Order in Council.

17. Her Majesty may by Order in Council make any Alteration that may be thought expedient for the Purpose of adapting the Forms of testing Writs and other Instruments, and the Forms themselves of Writs or other Instruments, in use in the said Courts, to the Change of Locality made by the said Courts of Justice Building Act, 1864.

Transfer

Transfer of Property now used for Offices.

18. Whereas the Courts, Offices, and Premises authorized to be erected by "The Courts of Justice Building Act, 1864," will, when completed, render unnecessary the Occupation for Purposes connected with the Administration of Justice of the Buildings, Land, and Premises described in the Schedule hereto; and it is expedient that such last-mentioned Buildings, Lands, and Premises should be appropriated, in manner herein-after mentioned, for the Benefit of the Public: Be it enacted, That whenever the Lord Chancellor certifies under his Hand to the Treasury that Business hitherto conducted in the Premises described in the Schedule, or any Part of such Premises, has been transferred to any of the Buildings authorized to be erected under the Courts of Justice Building Act, 1864, and such Certificate has been filed in the Report Office of the Court of Chancery, the following Consequences shall thereupon ensue; that is to say,

Discontinuance of existing Courts and Offices.

All the Buildings, Lands, and Premises described in the said Schedule, or any of them, in respect of which such Certificate is given, with their actual and reputed Appurtenances, shall thereupon vest in the Commissioners of Her Majesty's Works and Public Buildings as incorporated by the Act of the Session of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Twenty-eight, to be held by them for the Purposes of the last-mentioned Act, discharged from all subsisting Trusts declared with respect thereto.

19. And whereas by virtue of Two Statutes (Local and Personal), passed in the Fifteenth Year of the Reign of King George the Third, Chapters Twenty-two and Fifty-six, Land being Part of the Garden of the Honorable Society of Lincoln's Inn was sold by the said Society for the Purpose of building thereon the Six Clerks and Registrars Offices, and the same are now used as the Offices of the Accountant General and Registrars in Chancery, and of the Clerks of Records and Writs, and of the Clerk of Enrolments in Chancery, and the same are now under the said Two Acts and under the Statute Five and Six Victoria, Chapter One hundred and two, Section Twenty-nine, vested in the Accountant General of the Court of Chancery and his Successors, but subject to a Provision that the Buildings shall be used for the Purposes of the aforesaid Offices, and for no other Purpose:

Society of Lincoln's Inn may repurchase Six Clerks and Registrars Office.

And whereas under an Act (Local and Personal), passed in the Fifty-sixth Year of the Reign of King George the Third, Chapter Eighty-four, a Court for the Sittings of the Vice-Chancellor of England was erected in Lincoln's Inn, and vested in the said Society

for the public Purposes by the said Act directed, and for no other Purposes :

And whereas the said Society did in Years One thousand eight hundred and forty-one and One thousand eight hundred and fifty-one and at other Times expend out of their own Funds Sums in the Erection and fitting up of Courts for the Use of the Judges of the said Court of Chancery, and otherwise for the Benefit of the said Court :

And whereas after the said new Buildings shall have been erected and commenced to be used, the said several Offices and Courts will no longer be applicable to the Purposes for which the same were erected or fitted up, and it is necessary that Provision should be made by Parliament respecting the same ; and as the said Honourable Society of Lincoln's Inn will cease to have the Benefit of the Business of the said Courts being carried on within the Precincts of their said Inn, it is just and expedient that the said Society should be repaid the Amount of their aforesaid Outlays : Be it enacted, That it shall be lawful for the said Society to repurchase and become repossessed of the said Two Sites sold by them for the said Six Clerks and Registrars Offices in Chancery, upon their repaying the Purchase Monies received by them for the said Sites ; and further, that the said Society shall be entitled, if they so elect to become possessed of the Erections and Buildings thereon, upon paying for the same at a Valuation as old Building Materials ; and further, that the Trusts declared by the said Statute, Fifty-six George the Third, Chapter Eighty-four, shall be discharged, and the said Court erected under the said Statute for the Vice Chancellor of England shall become to all Intents and Purposes the exclusive Property of the said Society, without their making any Payment for the same or the Materials thereof ; and further, that the said Society shall be repaid the Principal Sums they have from Time to Time since the Year One thousand eight hundred and forty expended out of their Funds for the Use of the said Court of Chancery ; and that it shall be lawful for the said Lord Chancellor to adjust and settle an Account with the said Society upon the Basis of this Enactment, and to order that the Balance of such Account shall be paid into or out of the Suitors Fee Fund of the Court of Chancery, as the Case may be ; and upon Payment of the said Balance to or by the said Society, as the Case may be, the Lord Chancellor shall make an Order that the said Sites and Buildings do vest in the said Society, and the same shall thereupon be vested accordingly ; but this Enactment is not to come into force or to take any Effect until after the Lord Chancellor shall certify under his Hand to the Treasury that the Business hitherto conducted in the said Buildings and Courts, or any Part thereof, has been transferred

Trusts declared by 56 G.3. c. 84. to be discharged.

Lord Chancellor to adjust Accounts.

On Payment of Balance Lord Chancellor to make Vesting Order.

ferred to the Buildings authorized to be erected under the Courts of Justice Building Act, 1864, and such Certificate shall have been filed in Report Office of the Court of Chancery; and the Option of repurchasing the said Sites, and purchasing the said Erections and Buildings respectively, may be exercised by the said Society at any Time within Two Years after Notice to the Treasurer of the said Society of the filing of such Certificate.

SCHEDULE.

The Buildings in Southampton Buildings, with the Sites on which the same are erected, known or formerly known as the "Masters Offices," and all other the Lands and Hereditaments, if any, purchased or acquired in pursuance of the Act of the Thirty-second Year of King George the Third, Chapter Forty-two, with all their actual and reputed Appurtenances.

"Masters Offices." 32 G. 3. c. 42.

Courts of Justice Money.

A

BILL

To supply Means towards defraying the Expenses of providing Courts of Justice and the various Offices belonging thereto; and for other Purposes.

(*Prepared and brought in by Mr. Attorney-General, Mr. Solicitor-General, and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed*, 1 *July* 1864.

[Bill 188.]

Under 2 oz.

Courts of Justice Site Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites Issue of Commission for Inquiry into Concentration of Courts. Report in favour of Concentration. Deposit of Plans and Book of Reference descriptive of Site.

Short Title of Act; Sect. 1.

Incorporation of Commissioners of Works for Purposes of Act; 2.

Description of Purposes of Act; 3.

Power of Commissioners to purchase Lands; 4.

Lands to continue subject to Land Tax and Rates; 5.

Power of Commissioners to enter on Lands; 6.

Incorporation of Lands Clauses Act; 7.

Questions of disputed Compensation in London to be heard in the Lord Mayor's Court of the City of London; 8.

Extinction of Rights of Way and other Easements; 9.

Limit of Time for compulsory Purchase of Land; 10.

Powers of Commissioners to execute Works; 11.

Saving Rights of the Metropolitan Board of Works; 12.

Saving Rights of the Commissioners of Sewers; 13.

Exemption from Building Act; 14.

No Purchases to be without the Authority of the Treasury; 15.

Authentication of Notices; 16.

Orders concerning Money paid into Court may be made at Chambers; 17.

Penalty for obstructing Commissioners; 18.

Deeds not liable to Stamp Duty; 19.

Deeds to be enrolled in Court of Exchequer; 20.

Plan to be deposited in the Office of Works, &c., and be open for Inspection; 21.

A

B I L L

TO

Enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a Site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same.

Preamble.

Issue of Commission for Inquiry into Concentration of Courts.

WHEREAS a Commission was issued in the Year One thousand eight hundred and fifty-eight, under the Sign Manual of Her Majesty, for the Purpose of inquiring into the Expediency of bringing together into One Place or Neighbourhood all the Superior Courts of Law and Equity, the Probate and Divorce Courts, and the Court of Admiralty, and the various Offices belonging to the same, and into the Means which existed or might be supplied for providing a Site or Sites, and for erecting suitable Buildings for carrying out the above Objects: And whereas

Report in favour of Concentration.

the said Commission have reported to Her Majesty, that the Concentration of such Courts is expedient, and have recommended as a Site for the said Courts and Offices certain Houses, Buildings, and Lands situate in the Parish of Saint Clement Danes and the Liberty of the Rolls in the County of Middlesex, and the Parish of Saint Dunstan in the West in the City of London, and more particularly described

Deposit of Plans and Book of Reference descriptive of Site.

scribed and shown on the Plans herein-after mentioned, but such Houses, Buildings, and Lands cannot be acquired without the Authority of Parliament: And whereas Duplicate Plans, describing the Situation of the said Houses, Buildings, and Lands, herein-after referred to as the prescribed Lands, with a Book of Reference thereto, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers thereof, have been deposited with the Clerk of the Peace for the County of Middlesex at his Office at the Sessions House, Clerkenwell, and with the Clerk of the Peace for the City of London at his Office at the Sessions House in the Old Bailey, and it is expedient that Powers should be given to the Commissioners of Her Majesty's Works and Public Buildings to purchase such Lands, and to provide Accommodation for the said Courts and Offices or some of them: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Short Title of Act.

1. This Act may be cited for all Purposes as The Courts of Justice Building Act, 1864.

Incorporation of Commissioners.

Incorporation of Commissioners of Works for Purposes of Act.

2. The Commissioners of Her Majesty's Works and Public Buildings for the Time being, herein-after referred to as "the Commissioners," shall be incorporated for the Purposes of this Act by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name shall have perpetual Succession and a Common Seal, to be by them from Time to Time altered as they think fit, with Power to hold Lands for the Purposes and subject to the Provisions of this Act.

Acquisition of Site.

Description of Purposes of Act.

3. The Purposes of this Act are the Acquisition of a convenient Site for the Accommodation of the Superior Courts of Law and Equity, the Probate and Divorce Courts, and the Courts of Admiralty, and the various Offices connected with them, and of such other Courts for the Administration of Justice, and Offices connected therewith, as may from Time to Time be prescribed by the Commissioners of Her Majesty's Treasury, and the Erection on such Site of suitable Buildings, with all proper Furniture and Conveniences, and the constructing and doing such Works and Things as are conducive to the Attainment of the above Purposes or any of them, or incidental thereto.

4. The

Power of Commissioners to purchase Lands.

4. The Commissioners may, out of any Monies placed at their Disposal for that Object, purchase, take, and use for the Purposes of this Act all or any of the prescribed Lands, with the Exception of the Building known as Temple Bar, which they shall not be empowered to purchase, take, or use without the Consent of the Lord Mayor, Aldermen, and Commoners of the City of London in Common Council assembled, testified in Writing under the Hand of the Town Clerk of the said City for the Time being.

Lands to continue subject to Land Tax and Rates.

5. All Lands purchased by the Commissioners in pursuance of this Act, which were at the Time of such Purchase subject to Land Tax, to Poor or other Rates, shall continue liable thereto, but they shall not be assessed to any Tax or Rate at a higher Value than that at which they were assessed at the Time of the Purchase thereof.

Power of Commissioners to enter on Lands.

6. The Commissioners, their Surveyors, Officers, and Workmen, may at all reasonable Times in the Daytime, upon giving *Twenty-four* Hours previous Notice in Writing, enter into and upon any of the prescribed Lands for the Purpose of surveying or valuing the same.

Incorporation of Lands Clauses Act.

7. "The Lands Clauses Consolidation Act, 1845," and the Act amending the same passed in the Session of the Twenty-third and Twenty-fourth Years of Her present Majesty, Chapter One hundred and six, shall be incorporated with this Act, with the Exceptions and Additions and subject to the Provisions herein-after contained; (that is to say,)

(1.) There shall not be incorporated with this Act the Sections and Provisions of the "Lands Clauses Consolidation Act, 1845," herein-after mentioned, that is to say, Section Sixteen, whereby it is provided that the Capital is to be subscribed before the compulsory Powers are to be put in force; Section Seventeen, whereby it is provided that the Certificate of the Justices shall be Evidence that the Capital has been subscribed; or the Provisions relating to Access to the Special Act:

(2.) In the Construction of this Act and the said incorporated Acts this Act shall be deemed to be "the Special Act," and the Commissioners shall be deemed to be "the Promoters of the Undertaking."

(3.) The Bond required by Section 85 of the Lands Clauses Consolidation Act shall be under the Common Seal of the Commissioners, and shall be sufficient without the Addition of the Sureties in the said Section mentioned.

Questions of disputed Compensation in London to be

8. In every Case in which any Question of disputed Compensation may be required to be determined by the Verdict of a Jury, in the City of London or the Liberties thereof, the Jury shall be required

heard in the Lord Mayor's Court of the City of London.

required to appear before the Court of the Lord Mayor and Aldermen of the City of London to be holden in the outer Chamber of the Guildhall of the said City according to the Custom of the said City, at a Time to be appointed by the said Court; and all the Directions and Provisions contained in "The Lands Clauses Consolidation Act, 1845," in respect to the Settlement of Questions of disputed Compensation by Juries appearing before the Sheriff, Coroner, or other Person, shall extend and be applied with respect to the Settlement of any such Question of disputed Compensation under this Act by Juries appearing before the said Court of Mayor and Aldermen as aforesaid; and the said Court shall give Judgment for the Purchase Money or Compensation assessed by such Jury; and a Verdict and Judgment shall be signed by the Registrar of the said Court of Mayor and Aldermen, and entered among the Records of the said Court, and the said Registrar shall settle the Costs of every such Inquiry.

Extinction of Rights of Way and other Easements.

9. Upon the Purchase by the Commissioners of the prescribed Lands or any Part thereof, all Rights of Way, Rights of laying down or of continuing any Pipes, Sewers, or Drains, on, through, or under such Lands or Part thereof, and all other Rights or Easements in or relating to such Land or Part thereof, shall be extinguished, and all the Soil of such Ways, and the Property in the Pipes, Sewers, or Drains, shall vest in the Commissioners, subject to this Provision, that all Persons and Bodies of Persons, corporate or unincorporate, may recover from the Commissioners such Compensation, if any, as they may be entitled to for any Rights or Property of which they may be deprived in pursuance of this Section, the Amount of such Compensation to be determined in manner provided by the said Lands Clauses Consolidation Act, 1845.

Limit of Time for compulsory Purchase of Land.

10. The Limit for the compulsory Purchase of Lands under this Act shall be *Five* Years.

Powers of Commissioners to execute Works.

11. The Commissioners may pull down and remove any Buildings on the prescribed Lands, and may construct thereon such Buildings and Works, and do all such other Things, as may in their Opinion be necessary or expedient in order to carry into effect the Purposes of this Act or any of them.

Saving Rights of the Metropolitan Board of Works.

12. Nothing in this Act shall extend to take away or impair any Rights or Jurisdiction of the Metropolitan Board of Works in relation to any Sewers, Drains, or Watercourses.

Saving Rights of the Com-

13. Nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners

Commissioners of Sewers of the City of London, with respect to Bell Yard, Fleet Street, in the City of London. missioners of Sewers.

14. All Buildings erected on the prescribed Lands shall be exempt from the Operation of the First Part of "The Metropolitan Buildings Act, 1855." Exemption from Building Act.

Miscellaneous.

15. No Purchase shall be made by the Commissioners for the Purposes of the Act without the Consent in Writing of the Commissioners of Her Majesty's Treasury, but it shall not be necessary for any Vendor or any Purchaser from the said Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent; and any such Assent may be given either generally, or for any particular Purchase or Purchases, as to the said Commissioners of the Treasury may seem meet. No Purchases to be without the Authority of the Treasury.

16. Every Notice, Summons, Writ, or other Document required to be given, issued, or signed by or on behalf of the Commissioners may be given, issued, or signed by the Solicitor or Secretary for the Time being of the Commissioners, and need not be under the Common Seal of the Commissioners, and may be in Writing or in Print, or partly in Writing and partly in Print. Authentication of Notices.

17. All Orders which under this Act the Court of Chancery is empowered to make on Motion or Petition, in relation to any Money paid into the Bank of England with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, may be made by any Judge of the said Court upon Application to him, while sitting at Chambers, upon Summons, in like Manner as in other Cases in which Proceedings may be so had, subject nevertheless to any General Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court, on any such Applications. Orders concerning Money paid into Court may be made at Chambers.

18. If any Person wilfully obstruct any Person acting under the Authority of the Commissioners in the lawful Exercise of the Powers vested in them under this Act, he shall forfeit a Sum not exceeding *Five Pounds* for every such Offence, to be recovered in a summary Manner. Penalty for obstructing Commissioners.

Deeds not liable to Stamp Duty.

19. No Deed, Bond, or other Instrument made by, to, or with the Commissioners for any of the Purposes of this Act shall be subject to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments are specially charged therewith in such future Act.

Deeds to be enrolled in Court of Exchequer.

20. Every Conveyance, Assignment, or other Deed or Instrument whereby any Land by this Act authorized to be purchased is conveyed or assigned to the Commissioners for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the said Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument, when so enrolled, shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Plans to be deposited in the Office of Works, &c., and be open for Inspection.

21. A Copy of the Plans of the prescribed Lands shall be deposited at the Office of the Commissioners, and shall remain at the said Office, to the end that all Persons may at all seasonable Times, on Payment of a Fee of *One Shilling*, have liberty to inspect the same.

Courts of Justice Site.

A

B I L L

To enable the Commissioners of Her Majesty's Works and Public Buildings to acquire a Site for the Erection and Concentration of Courts of Justice, and of the various Offices belonging to the same.

(Prepared and brought in by Mr. Cowper and Mr. Peel.)

Ordered, by The House of Commons, *to be Printed,* 1 *July* 1864.

[Bill 189.] *Under* 1 *oz.*

A

B I L L

FOR

Confirming a Scheme of the Charity Commissioners for the Charity called "The Free Grammar School," in the City of Coventry.

Preamble. 11th Report, dated 27th February 1864.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and sixty-three, have reported that they have provisionally approved and certified a Scheme for "The Free Grammar School in the City of Coventry," and such Scheme is set out in the Appendix to their said Report: And whereas it is expedient that the said Scheme, as the same is set out in the Schedule to this Act, should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The said Scheme shall be confirmed and take effect. Scheme confirmed.

SCHEDULE.

SCHEME.

1. From and after the Establishment of this Scheme, the Rectory of the Parish Church of Saint John in the City of Coventry shall be severed and held separately from the Office of Head Master of the above-mentioned Free Grammar School, and the respective Offices of Usher of the said School and Lecturer of Saint John's Church shall be abolished.

2. The Provisional Agreement made on or about the 22d Day of December 1856 by the then Trustees of the said School with the Reverend Thomas Sheepshanks, Clerk, the present Rector of the said Parish Church of Saint John, for the Relinquishment by him the said Thomas Sheepshanks of the Office of Head Master of the said School, then held by him jointly with the said Rectory, upon the Terms following; namely,

> That the said Rectory, with the Emoluments and Profits exclusively attached or belonging thereto, should thenceforth be retained and held separately by him, subject to the Obligation of performing the whole of the parochial and other Duties incidental to the Tenure of such Rectory; and that he the said Thomas Sheepshanks should also receive out of the Income of the said School Estate, in addition to the said Emoluments and Profits, the annual Stipend or Sum of 420*l.*, to be paid to him by the said Trustees during his Tenure of the said Rectory by equal half-yearly Payments on the 24th Day of June and the 25th Day of December in every Year;

shall from and after the Establishment of this Scheme be confirmed and held to have taken effect from the Execution of such Agreement; and the Trustees of the said Charity are hereby authorized, with the Sanction and Approval of the Charity Commissioners, to do any Acts and to make and execute any Deeds or Assurances which may be necessary or proper for carrying the aforesaid Terms of the said Agreement into more complete effect.

3. The Trustees of the said Charity shall pay out of the yearly Income thereof to every future Rector of the said Parish of Saint John the Baptist, from and after the Avoidance of such Rectory by the said Thomas Sheepshanks, the yearly Stipend or Sum of 200*l.*, by equal half-yearly Payments, in full Discharge and Satisfaction of all Right and Claim on the Part of such Rector to or for any Payment, Remuneration, or other Benefit from or out of the Endowment of the said School.

4. The Advowson or Right of Patronage and Presentation of and to the said Rectory of the said Parish of Saint John's shall, as soon as conveniently may be after the Establishment of this Scheme, be sold by the Trustees of the said Charity, with the Approbation of the Charity Commissioners; and the clear Amount of the Proceeds of such Sale shall be invested in the Purchase

of

of Consolidated 3*l.* per Cent. Annuities in the Name of the Official Trustees of Charitable Funds, in augmentation of the principal Endowments of the said Charity.

5. If any Doubt or Question shall arise among the Trustees of the said Charity or any of them as to the Construction or proper Application of any of the Provisions of this Scheme, or the Mode of giving effect to the same, Application may be made by the said Trustees or the Majority of them to the Charity Commissioners for England and Wales for their Opinion and Advice thereon, which Opinion or Advice, if given, shall be binding on the Trustees and other Persons interested in the Matter.

Coventry Free Grammar School.

A

B I L L

For confirming a Scheme of the Charity Commissioners for the Charity called "The Free Grammar School," in the City of Coventry.

(*Prepared and brought in by Mr. Bruce and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 30 *May* 1864.

[Bill 124.]

Under 1 *oz.*

A

BILL

TO

Transfer certain Houses in and near Cranbourne Street in the City of Westminster from the Commissioners of Her Majesty's Works to Her Majesty, for the Considerations therein mentioned.

WHEREAS under and by virtue of Three several Acts of Parliament, (namely,) an Act of the Fifteenth and Sixteenth Years of Queen Victoria, Chapter Seventy-eight, an Act of the Sixteenth and Seventeenth Years of Queen Victoria, Chapter Forty-four, and an Act of the Twentieth and Twenty-first Years of Queen Victoria, Chapter Sixty-seven, the Commissioners of Her Majesty's Works and Public Buildings have executed and completed divers Improvements in Pimlico and in the Neighbourhood of Buckingham Palace, in the same Acts or some of them specified or referred to, including divers new Streets, Thoroughfares, and open Spaces which have been given up to the Public: And whereas the Property appropriated to the said Improvements consisted, first, partly of Land and Houses belonging to Her Majesty as Part of the Hereditary Land Revenues of the Crown, of the estimated Value of Eight thousand Pounds; secondly, partly of Land and

Preamble.
15 & 16 Vict. c. 78.
16 & 17 Vict. c. 44.
20 & 21 Vict. c. 67.

Houses purchased at different Times for an aggregate Sum of Seventy thousand two hundred and sixty Pounds, out of Monies arising from the Sale of other Parts of the Hereditary Land Revenues of the Crown; and, thirdly, of Land and Houses purchased with Monies granted by Parliament for that Purpose: And whereas the total Value of the Crown Property appropriated to the said Improvements amounts to the Sum of Seventy-eight thousand two hundred and sixty Pounds: And whereas Parts of the Property appropriated as aforesaid were sold to defray the Costs of the said Improvements, and in the Year One thousand eight hundred and fifty-four a further Part thereof was sold for the Sum of Four thousand three hundred Pounds, for the Site of the Duchy of Cornwall Office, and the Remainder of the Property appropriated as aforesaid remains vested in Her Majesty as Part of the Hereditary Land Revenues of the Crown, subject only to the Leases and Tenancies of the Lessees or Tenants thereof, and, as regards the Streets, Thoroughfares, and open Spaces aforesaid, to the Rights of the Public over the same, and the Direction and Management thereof has since the Completion of the said Improvements been transferred to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, who have since received the Rents and Profits of such Parts thereof as are productive of Income: And whereas so much of the said Property remaining vested in Her Majesty as Part of the Hereditary Land Revenues of the Crown as aforesaid as has been added to Buckingham Palace and the Grounds thereof in the course of the said Improvements has been valued by Daniel Norton of Old Broad Street in the City of London, Surveyor, at the Sum of Twenty-two thousand six hundred Pounds: And whereas the aforesaid Sum of Four thousand three hundred Pounds, the Purchase Money for the said Duchy of Cornwall Office, was paid to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and a further Sum of Eight hundred and thirty-five Pounds Sixteen Shillings and Fourpence, arising from the Sale of Materials of Buildings pulled down in the course of the said Improvements, was paid to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and carried by such last-mentioned Commissioners to the Credit of the Hereditary Land Revenues of the Crown: And whereas, after deducting the aforesaid Sums of Four thousand three hundred Pounds, Twenty-two thousand six hundred Pounds, and Eight hundred and thirty-five Pounds Sixteen Shillings and Fourpence, from the aforesaid Sum of Seventy-eight thousand two hundred and sixty Pounds, a Sum of Fifty thousand five hundred and twenty-four Pounds Three Shillings and Eightpence remains: And whereas the Estate and Interest of Her Majesty in right of the Crown

Crown in the Property now remaining vested in Her Majesty as aforesaid, exclusive of the Part added to Buckingham Palace and the Grounds thereof as aforesaid, and of the Streets, Thoroughfares, and open Spaces aforesaid, has been valued by James Pennethorne of Whitehall Yard, Surveyor, at the Sum of Thirty-six thousand five hundred and forty-six Pounds, and the Difference between the last-mentioned Sum and the said Sum of Fifty thousand five hundred and twenty-four Pounds Three Shillings and Eightpence, being the Sum of Thirteen thousand nine hundred and seventy-eight Pounds Three Shillings and Eightpence, represents the Value of the Property which has been dedicated to the Public in the new Streets, Thoroughfares, and open Spaces aforesaid: And whereas it is just and proper that the Hereditary Land Revenues of the Crown should be compensated for the Loss of the last-mentioned Sum in manner herein-after directed: And whereas, under and by virtue of the Act of the Fourteenth and Fifteenth Years of Queen Victoria, Chapter Forty-two, the Hereditaments described and comprised in the Schedule to this Act are (together with other Hereditaments) now vested in the Commissioners of Her Majesty's Works and Public Buildings, and their Successors, as incorporated by the last-mentioned Act, for an Estate in Fee Simple, subject only to the Leases or Tenancies affecting the same, as in the said Schedule mentioned; and by virtue of the Act of the Sixteenth and Seventeenth Years of Queen Victoria, Chapter Eighteen, the last-mentioned Commissioners are required to sell the same Hereditaments (under the Direction of the Lords Commissioners of Her Majesty's Treasury), and to pay the Proceeds of the Sale thereof into the Bank of England, to the Account of the Consolidated Fund: And whereas the Estate and Interest of the said Commissioners of Her Majesty's Works and Public Buildings in the said Hereditaments comprised in the said Schedule hereto have been valued by the aforesaid James Pennethorne at the Sum of Fifty-two thousand six hundred and forty-five Pounds Eighteen Shillings: And whereas the Commissioners of Her Majesty's Woods, Forests, and Land Revenues have now in their Hands a Sum of Thirty-eight thousand six hundred and sixty-seven Pounds Fourteen Shillings and Fourpence (Part of a larger Sum), arising from the Sale of Lands and Hereditaments Part of the Hereditary Land Revenues of the Crown, and subject to be laid out in the Purchase of other Lands and Hereditaments, to be added to the same Hereditary Land Revenues: And whereas it will be convenient that the said Hereditaments comprised in the said Schedule hereto should be transferred to Her Majesty as Part of the Hereditary Land Revenues of the Crown, in consideration of the said Sum of Thirteen thousand nine hundred and seventy-eight

Pounds Three Shillings and Eightpence, which ought to be reimbursed to the Hereditary Land Revenues as aforesaid, and of the Sum of Thirty-eight thousand six hundred and sixty-seven Pounds Fourteen Shillings and Fourpence, to be paid by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Commissioners of Woods to pay 38,667*l.* 14*s.* 4*d.* to the Consolidated Fund.

1. The Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall, on or before the *Twenty-sixth Day of September One thousand eight hundred and sixty-four*, pay the said Sum of *Thirty-eight thousand six hundred and sixty-seven Pounds Fourteen Shillings and Fourpence*, now in their Hands, as aforesaid, into the Bank of England, to the Account of the Consolidated Fund of Great Britain and Ireland.

Upon such Payments the Hereditaments comprised in the Schedule to become vested in Her Majesty as Part of the Hereditary Land Revenues of the Crown.

2. So soon as such Payment shall have been made, all the said Hereditaments comprised and described in the said Schedule hereto shall forthwith become and remain vested in Her Majesty, Her Heirs and Successors, as Part of the Hereditary Land Revenues of the Crown, for all the Estate and Interest therein now vested in the said Commissioners of Her Majesty's Works and Public Buildings, and with Power for Her Majesty, Her Heirs and Successors, to recover the Rents and to compel the Performance of the Covenants by and in the Leases or Agreements for Leases thereof reserved and contained and on the Parts of the respective Tenants thereof to be paid, observed, and performed.

Providing for the Payment and Apportionment of Rents.

3. The Rents in arrear at the *passing of this Act*, and the Rents which shall accrue due down to and inclusive of the First quarterly or half-yearly Day of Payment which shall happen after the Payment of the said Sum of *Thirty-eight thousand six hundred and sixty-seven Pounds Fourteen Shillings and Fourpence*, as aforesaid, in respect of any of the Hereditaments comprised in the said Schedule hereto, shall be received by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, but shall be paid by them to the Commissioners of Her Majesty's Works and Public Buildings, subject to the Deduction thereout by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues of One Moiety of the Half Years Rents which will accrue due at Christmas 1864 in respect of any Hereditaments the Rents of which are payable half-yearly at Christmas and Midsummer.

SCHE-

SCHEDULE referred to by the foregoing Bill.

Coventry Street to Long Acre.

	Name of Lessee.	Premises.	No.	Annual Rent. £	s.	d.	Date of Lease.	Term.	Expiration of Lease.
5	Alexander Robb -	A Messuage on the West Side of Saint Martin's Lane.	79	80	0	0	10th September 1847	80 Years	Christmas 1924.
	Robert Archbutt -	Ditto - - - -	78	75	0	0	27th September 1845	80 Years	Christmas 1924.
	Idem - -	A Messuage on the West Side of Saint Martin's Lane and on the South Side of Cranbourne Street - -	77 26	75	0	0	26th September 1845	80 Years	Christmas 1924.
10	Idem - -	A Messuage on the South Side of Cranbourne Street (Second West from Saint Martin's Lane).	27	75	0	0	25th September 1845	80 Years	Christmas 1924.
15	Idem - -	Ditto (Third West from Saint Martin's Lane).	28	75	0	0	24th September 1845	80 Years	Christmas 1924.
	Lancelot Archer Burton.	Ditto - - -	29	31	10	0	3d December 1845	80 Years	Michaelmas 1924.
20	Idem - -	Ditto - - -	30	35	0	0	4th December 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	31	32	0	0	5th December 1845	80 Years	Michaelmas 1924.
	William Dent -	Ditto - - -	32	35	0	0	3d December 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	33	34	0	0	4th December 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	34	35	0	0	5th December 1845	80 Years	Michaelmas 1924.
25	Charles Murton -	Ditto - - - and in Saint Martin's Court.	35 12	100	0	0	31st December 1845	42 Years	Midsummer 1887.
	George Healey -	Ditto - - -	36	113	0	0	19th July 1850 -	42 Years	Michaelmas 1886.
30	John Hill - -	Ditto - - -	13 37						
		Ditto - -	14	102	5	0	31st December 1846	42 Years	Michaelmas 1886.
	William Herbert -	Ditto - - -	39	63	0	0	23d August 1845 -	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	40	22	0	0	25th August 1845 -	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	41	37	0	0	26th August 1845 -	80 Years	Michaelmas 1924.
35	Idem - -	Ditto - - -	42	32	0	0	27th August 1845 -	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	43	38	0	0	28th August 1845 -	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	44	38	0	0	29th August 1845 -	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	45	27	0	0	30th August 1845 -	80 Years	Michaelmas 1924.
40	Idem - -	Ditto - - - and in Bear Street -	47 4	55	0	0	1st September 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	48	54	0	0	2d September 1845	80 Years	Michaelmas 1924.
	Idem - -	A Messuage on the North Side of Cranbourn Street.	16	56	0	0	15th December 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	17	40	0	0	16th December 1845	80 Years	Michaelmas 1924.
45	Idem - -	Ditto - - -	18	24	0	0	17th December 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	19	25	0	0	18th December 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	20	54	0	0	19th December 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	21	54	0	0	20th December 1845	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	25	60	15	0	22d December 1845	80 Years	Michaelmas 1924.
50	Killingworth Hedges	A Messuage in Upper Saint Martin's Lane.	5	32	5	0	3d December 1845	80 Years	Michaelmas 1924.
	William Hooper -	Ditto - - -	4	20	0	0	23d March 1846 -	80 Years	Michaelmas 1924.
	Idem - -	Ditto - - -	3	20	0	0	24th March 1846 -	80 Years	Michaelmas 1924.
			£	1,649	15	0			

Cranbourne Street.

A

BILL

To transfer certain Houses in and near Cranbourne Street in the City of Westminster from the Commissioners of Her Majesty's Works to Her Majesty, for the Considerations therein mentioned.

(*Prepared and brought in by Mr. Cowper and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1864.

[Bill 154.]

Under 1 *oz.*

A

BILL

TO

Extend the Provisions of "The Criminal Justice Act, 1855," to the Liberties of the Cinque Ports and to other Places not comprised within any Petty Sessional Division.

WHEREAS in and by certain Acts of Parliament the Expressions "Petty Sessions of the Peace" and "Petty Sessional Division" are made use of: And whereas in and by an Act of Parliament of the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Eighteen, Section One, it is enacted, in Explanation of such Expressions, "That every sitting "and acting of Justices of the Peace, or of a Stipendiary Magis- "trate in and for any City, Borough, or Town Corporate, having a "separate Commission of the Peace, or any Part thereof within "England and Wales, or any Police Court or other Place applied "in that Behalf, shall be deemed a Petty Sessions of the Peace, and "the District for which the same shall be holden shall be deemed "a Petty Sessional Division within the Meaning of any Acts of "Parliament already made or hereafter to be made having relation "to such Petty Sessions or to any Business to be transacted "thereat:" And whereas by an Act of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-six, briefly intituled "The Criminal Justice

Preamble.

12 & 13 Vict. c. 18. s. 1.

Act, 1855," certain Powers of summary Jurisdiction in Cases of Petty Larceny and other Offences are given to Justices of the Peace assembled in "Petty Sessions holden for a Petty Sessional Division:"

19 & 20 Vict. c. 118. s. 1.

And whereas an Act of the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and eighteen, Section One, enacts that so much of Section Nine of the herein-before recited Act of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty as provides that every Petty Sessions for the Purposes of that Act shall be the Petty Sessions holden for a Petty Sessional Division shall not extend nor be applicable to Petty Sessions holden in or for the Liberties of the Cinque Ports or any Part thereof, or to any other Liberty or Place not forming and not being within a Petty Sessional Division: And whereas it is expedient to repeal the Restriction contained in the last-mentioned Act, and to remove all Doubts as to the Meaning of "Petty Sessions" and "Petty Sessional Division" as used in divers Acts of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Part of 19 & 20 Vict. c. 118. repealed.

1. So much of the herein-before recited Act of the Nineteenth and Twentieth Years of the Reign of Her present Majesty as limits the Operation of the said herein-before recited Criminal Justice Act, 1855, shall be and is hereby repealed.

Definition of Petty Sessions.

2. For the Purposes of all Acts passed or hereafter to be passed, every Sitting of Two or more Justices of the Peace legally acting in pursuance of an Act of Parliament, Charta, or otherwise howsoever than under a separate Commission of the Peace, at any Place at which such Sitting may for the Time being be appointed to be held, shall be deemed to be a "Petty Sessions of the Peace" or "Court of Petty Sessions," and the District for which the same is holden shall be deemed to be a "Petty Sessional Division," and any Officer for the Time being performing the Duties usually performed by the Clerk to the Justices of Petty Sessions shall be deemed to be a Clerk to the Justices of Petty Sessions.

Construction of Act.

3. This Act shall be construed as declaring and extending, where necessary, the Meaning attached by the Common Law or by the Statute Law to the several Expressions herein-before particularly mentioned, and not as interfering with or repealing by Implication or otherwise any Maxim of the Common Law or any Provision of the Statute Law.

Criminal Justice Act (1855) Extension.

A

B I L L

To extend the Provisions of "The Criminal Justice Act, 1855," to the Liberties of the Cinque Ports and to other Places not comprised within any Petty Sessional Division.

(*Prepared and brought in by Sir Edward Dering and Sir Brooke Bridges.*)

Ordered, by The House of Commons, *to be Printed,* 1 *July* 1864.

[Bill 190.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Extend the Provisions of "The Criminal Justice Act, 1855," to the Liberties of the Cinque Ports and to the District of Romney Marsh in the County of Kent.

Preamble. 19 & 20 Vict. c. 118. s. 1.

WHEREAS an Act of the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and eighteen, Section One, enacts that so much of Section Nine of the herein-before recited Act of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty as provides that every Petty Sessions for the Purposes of that Act shall be the Petty Sessions holden for a Petty Sessional Division shall not extend nor be applicable to Petty Sessions holden in or for the Liberties of the Cinque Ports or any Part thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Part of 19 & 20 Vict. c. 118. repealed.

1. So much of the Act of the Nineteenth and Twentieth Years of the Reign of Her present Majesty as is herein-before recited, shall be and is hereby repealed.

2. Every

Definition of Petty Sessions.

2. Every Sitting of Two or more Justices of the Peace legally acting in and for the Liberties of the Cinque Ports or any Part thereof, or of the District of Romney Marsh, at any Place at which such Sitting may for the Time being be appointed to be held, shall be deemed to be a "Petty Sessions of the Peace" or "Court of Petty Sessions," and the District for which the same is holden shall be deemed to be a "Petty Sessional Division," and any Officer for the Time being performing the Duties usually performed by the Clerk to the Justices of Petty Sessions shall be deemed to be a Clerk to the Justices of Petty Sessions, within the Meaning of the Ninth Section of the Act of the Eighteenth and Nineteenth Victoria, Chapter One hundred and twenty-six.

Criminal Justice Act (1855) Extension.

A

B I L L

[AS AMENDED IN COMMITTEE]

To extend the Provisions of "The Criminal Justice Act, 1855," to the Liberties of the Cinque Ports and of the District of Romney Marsh in the County of Kent.

(*Prepared and brought in by Sir Edward Dering and Sir Brooke Bridges.*)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1864.

[Bill 201.]

Under 1 *oz.*

Customs and Inland Revenue Bill.

ARRANGEMENT OF CLAUSES.

Grant of Duties specified in Schedules annexed; Sect. 1.

Provisions of former Acts to apply to this Act; 2.

Customs.

Commissioners of Customs to provide Standard Samples of Sugar for assessing Duty; 3.

Excise Licences.

Occasional Licence may be granted to Refreshment House Keepers, Wine Retailers, Tobacco Dealers, and Beer Retailers; 4.

Tea Licence at reduced Rate to be granted only on Overseer's Certificate of Rating; 5.

Penalty on Overseer refusing to grant Certificate; 6.

Half-yearly Licences may be granted to Hawkers; 7.

Stamp Duties.

Ad valorem Stamp Duties on Settlements on what chargeable; 8.

Settlement of Sums of Money secured by Bonds, Debentures, and other Securities chargeable; 9.

The Value of Shares in Stocks and Funds and of Sums secured by Foreign or Colonial Securities, and of Sums expressed in Foreign or Colonial Currency, how ascertained and determined; 10.

Provisions and Regulations relating to Proxies to apply to Voting Papers; 11.

Income Tax.

Income Tax to be deducted from Rent, Interest, &c. at the Rate payable during the Period when the same was accruing; 12.

SCHEDULES.

A

B I L L

TO

Grant certain Duties of Customs and Inland Revenue.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties specified in Schedules annexed.

1. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs, Excise, Stamps, and Income Tax respectively specified and contained in the several Schedules marked respectively (A.), (B.), (C.), and (D.) to this Act annexed, and there shall be allowed the several Drawbacks specified and contained in the said Schedule (A.); and the said Rates, Duties, and Drawbacks shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods respectively

respectively specified or mentioned in that Behalf in this Act or in the said Schedules, and where no Time is so specified for the Commencement thereof the same shall commence and take effect from and after the *passing of this Act*, and where no Period is so specified or limited for the Duration thereof the same shall continue to be charged, collected, paid, and allowed respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to this Act.

2. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties or Drawbacks of the same Kind or Description as the several Rates or Duties or Drawbacks granted and allowed by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, or, as regards the Income Tax, in force on the Fifth Day of April One thousand eight hundred and sixty-four (except as herein-after provided), shall respectively be in full Force and Effect with respect to the said Rates, Duties, and Drawbacks by this Act granted and allowed respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties, and the Allowance and Payment of the said Drawbacks respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the Rates, Duties, and Drawbacks by this Act granted and allowed respectively: Provided always, that nothing herein contained shall be construed to continue or revive the Provisions contained in the Forty-second and Forty-fourth Sections of the Act passed in the Twenty-fifth Year of Her Majesty's Reign, Chapter Twenty-two; and that for the Purposes of this Act the Year One thousand eight hundred and sixty-two, mentioned in the Forty-third Section of the said Act, shall be read as and deemed to mean the Year One thousand eight hundred and sixty-four.

Customs.

Commissioners of Customs to provide Standard Samples of Sugar for assessing Duty.

3. For facilitating the due Assessment of the Duties on Sugar, with reference to Colour, Grain, or Saccharine Matter, considered collectively as they affect the general Quality of the Sugar to be assessed with Duty, the Commissioners of Customs shall provide and renew from Time to Time One or more Sample or Samples of each

each of the respective Qualities, according to which Sugar may be chargeable with Duty upon Importation into Great Britain or Ireland, such Samples to be approved by the Lords Commissioners of Her Majesty's Treasury, and when so approved shall be deemed to be Standard Samples for the Purpose of assessing the Duty upon Sugar, according as it may be equal to any of such Samples on Comparison therewith by the proper Officer of Customs; and no Sugar shall be chargeable with the Duty payable in respect of any particular Quality or Description for which a Sample is provided as aforesaid unless the same shall be equal to such Sample.

Excise Licences.

Occasional Licence may be granted to Refreshment House Keepers, Wine Retailers, Tobacco Dealers, and Beer Retailers.

4. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall consider it necessary for the Accommodation of the Public, to authorize any Officer of Excise to grant (upon Payment of the respective Duties in that Behalf mentioned in Schedule (B.) to this Act) an Occasional Licence in the several and respective Cases herein-after mentioned; (that is to say,) to any Person who shall have taken out an Excise Licence under the Acts passed in the Twenty-third Year of the Reign of Her Majesty, Chapter Twenty-seven, and the Twenty-third and Twenty-fourth Years of the same Reign, Chapter One hundred and seven, respectively, to keep a Refreshment House, or to sell by Retail in a Refreshment House Foreign Wine to be consumed therein, or an Excise Licence under the Act passed in the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Eighty-five, to retail Beer to be drunk or consumed in or upon the House or Premises where sold, or an Excise Licence under the Act passed in the Sixth Year of the Reign of King George the Fourth, Chapter Eighty-one, to deal in or sell Tobacco or Snuff; and every such Occasional Licence shall authorize any such Person as aforesaid to exercise and carry on the same Trade and Business as he shall be authorized to carry on by virtue of the Licence granted under the said Acts respectively as aforesaid at any such Place (other than the Place for which his original Licence was granted), and for and during such Space or Period of Time, not exceeding *Three consecutive Days* at any One Time, as the said Commissioners shall approve, and as shall be specified in such Occasional Licence; provided that the said Occasional Licence shall not protect any such Person in the carrying on of any such Trade or Business as aforesaid unless he shall produce such Licence whenever requested so to do by any Officer of Excise, or by any Constable or Police Officer, at the Time of exercising such Trade or Business.

Tea Licence at reduced Rate to be granted only on Overseer's Certificate of Rating.

5. No Licence to Trade in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper at the reduced Duty imposed by this Act on such Licence shall be granted to any Person who shall not produce, at the Time of applying for such Licence, to the Officers of Excise authorized to grant the same, a Certificate in Writing, signed by an Overseer of the Poor of the Parish, Township, or Place in which the House intended to be licensed is situated, certifying the Sum at which the said House is rated to the last Rate made for the Relief of the Poor of such Parish, Township, or Place; and any such Licence which shall be granted without the Certificate aforesaid, or upon a Certificate which shall be false in any Particular, shall be absolutely void; and no such Licence at the reduced Rate aforesaid shall authorize the Sale of any of the Articles mentioned therein at any other Place than the House for which such Licence shall be granted, anything in any Act to the contrary notwithstanding.

Penalty on Overseer refusing to grant Certificate.

6. If any Overseer shall refuse to grant, when demanded, the Certificate required by this Act of the rating of any House, or shall grant a Certificate which shall be false or untrue in any Particular, he shall forfeit *Ten Pounds*.

Half-yearly Licences may be granted to Hawkers.

7. Any Licence to be taken out by a Hawker, Pedlar, or Petty Chapman in Great Britain may be granted for a Period not exceeding *Six Months*, on Payment of One Half only of the Amount payable for a yearly Licence; provided that any such half-yearly Licence shall continue in force until and upon the *Thirty-first Day of January* or the *Thirty-first Day of July*, as the Case may be, next following the Date thereof, and no longer.

Stamp Duties.

Preamble. 13 & 14 Vict. c. 97.

8. Whereas by an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, certain ad valorem Stamp Duties were granted and made payable under the Head of "Settlement" in the Schedule thereto in respect of any definite and certain Principal Sum or Sums of Money, and any definite and certain Share or Shares in any of the Government or Parliamentary Stocks or Funds, or in the Stocks and Funds of the Governor and Company of the Bank of England or of the Bank of Ireland, or of the East India Company, or of the South Sea Company, or of any other Company or Corporation: And whereas it is expedient to explain and amend the said Act as herein-after mentioned: Be it enacted, That the said Duties so granted and made payable as last aforesaid shall be deemed to extend to and shall be chargeable upon or in respect of any definite and certain Principal Sum or Sums of Money of any Denomination or Currency, whether

Ad valorem Stamp Duties on Settlements on what chargeable.

whether British, Foreign, or Colonial, and any definite and certain Share or Shares in the Stocks or Funds of any Foreign or Colonial Government, State, Corporation, or Company whatsoever, as well as upon or in respect of the Shares, Stocks, and Funds specified in the said last-mentioned Schedule.

Settlement of Sums of Money secured by Bonds, Debentures, and other Securities chargeable.

9. And where any Principal Sum of Money secured or contracted for by or which may become due or payable upon any Bond, Debenture, Policy of Insurance, Covenant, or Contract shall be settled or agreed to be settled, or such Bond, Debenture, Policy, Covenant, or Contract shall be settled, or assigned or transferred by way of Settlement, or shall be agreed so to be, then and in any of such Cases the same shall be deemed to be a Settlement of such Principal Sum of Money, and shall be chargeable with the said ad valorem Stamp Duties on the Amount thereof accordingly: Provided always, that where the Subject of any Settlement shall be a Policy of Insurance, then, if there shall not be any certain Covenant, Contract, or Provision made for keeping up such Policy, or for paying the Premiums which may become payable in that Behalf, the said ad valorem Duty shall be chargeable only on the Value of such Policy at the Date of such Settlement.

The Value of Shares in Stocks and Funds, and of Sums secured by Foreign or Colonial Securities, and of Sums expressed in Foreign or Colonial Currency, how ascertained and determined.

10. And where the Subject of any Settlement chargeable with the said Duties shall be any Share or Shares in any such Stocks or Funds as aforesaid, or any Sum or Sums of Money secured by any Foreign or Colonial Bond, Debenture, or other Security bearing a marketable Value in the English Market, then the Value of such Share or Shares, and of such Bond, Debenture, or other Security respectively, shall be ascertained and determined by the average selling Price thereof on the Day or on either of the *Ten Days* preceding the Day of the Date of the Deed or Instrument of Settlement, or if no Sale shall have taken place within such Ten Days then according to the average selling Price thereof on the Day of the last preceding Sale, and the said ad valorem Duties shall be chargeable on such Settlement in respect of the Value so ascertained and determined; and the Value of any Sum or Sums of Money expressed in Coin of a Foreign or Colonial Denomination or Currency shall be determined by the current Rate of Exchange on the Day of the Date of the Deed or Instrument of Settlement, and the said ad valorem Duties shall be chargeable in respect of the Value so determined as last aforesaid.

Provisions and Regulations relating to Proxies to

11. The Stamp Duty by this Act imposed on a Voting Paper as described in Schedule (C.) to this Act may be denoted by an adhesive Stamp, in like Manner as the Stamp Duty on an Instru-

apply to Voting Papers.

ment appointing a Proxy; and all Provisions and Regulations relating to the Particulars to be inserted in such last-mentioned Instrument, or to the cancelling or obliterating an adhesive Stamp affixed thereto, and all Penalties for any Neglect or Omission to comply with any such Provisions or Regulations, or for making or signing any such Instrument on Paper not duly stamped, or for voting or attempting to vote under any such Instrument not duly stamped, shall be deemed to apply and shall be observed and enforced, mutatis mutandis, in relation to any such Voting Paper as aforesaid.

Income Tax.

16 & 17 Vict. c. 34. s. 40.

12. And whereas under and by virtue of the Fortieth Section of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, Persons liable to the Payment of Rent, yearly Interest, or any Annuity or other annual Payment therein mentioned, are entitled and authorized on making such Payment to deduct and retain thereout the Amount of the Rate of Income Tax which shall be payable at the Time when such Payment becomes due: Be it enacted, That the Persons liable to and making any such Payment as aforesaid shall be entitled and are hereby authorized to deduct and retain thereout the Amount of the Rate or a proportionate Amount of the several Rates of Income Tax which were chargeable by Law upon or in respect of such Rent, Interest, Annuity, or other annual Payment, or the Source thereof, during the Period through which the same was accruing due, anything in the said recited Act to the contrary notwithstanding.

Income Tax to be deducted from Rent, Interest, &c. at the Rate payable during the Period when the same was accruing.

SCHE-

SCHEDULES.

SCHEDULE (A.)

Containing the Rates and Duties of Customs granted and the Drawbacks allowed on the following Articles by this Act.

On and after the under-mentioned Dates, in lieu of the Duties of Customs now charged on the Articles under mentioned, the following Duties of Customs shall be charged thereon, on Importation into Great Britain or Ireland; that is to say,

On and after the *Fifth Day of May One thousand eight hundred and sixty-four:*

	£	s.	d.
Sugar, viz.:			
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, and Manufactures of Refined Sugar - - - - - the Cwt.	0	12	10

On and after the *Sixteenth Day of April One thousand eight hundred and sixty-four:*

	£	s.	d.
Sugar, viz.:			
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined - - - - - the Cwt.	0	11	8
Yellow Muscovado, and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - - - - the Cwt.	0	10	6
Brown Muscovado Sugar, or Sugar rendered by any Process equal in Quality thereto, and not equal to Yellow Muscovado or Brown Clayed - - - the Cwt.	0	9	4
Any other Sugar not equal in Quality to Brown Muscovado - - - - - - the Cwt.	0	8	2
Cane Juice - - - - - the Cwt.	0	6	7
Molasses - - - - - - the Cwt.	0	3	6
Almonds, Paste of - - - - the lb.	0	0	1
Cherries, dried - - - - - the lb.	0	0	1
Comfits, dry - - - - - the lb.	0	0	1
Confectionery, not otherwise enumerated - - the lb.	0	0	1

		£	s.	d.
Ginger (Preserved) - - - -	the lb.	0	0	1
Marmalade - - - - -	the lb.	0	0	1
Plums preserved in Sugar - - - -	the lb.	0	0	1
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated - -	the lb.	0	0	1

On and after the under-mentioned Dates, in lieu of the Drawbacks now allowed thereon, the following Drawbacks shall be paid and allowed on the under-mentioned Descriptions of Refined Sugar on the Exportation thereof to Foreign Parts, or on Removal to the Isle of Man for Consumption there, or on Deposit in any approved Warehouse, upon such Terms and subject to such Regulations as the Commissioners of Customs may direct, for Delivery from such Warehouse as Ships Stores only, or for the Purpose of sweetening British Spirits in Bond; that is to say,

On and after the *Fifth Day of May One thousand eight hundred and sixty-four:*

	£	s.	d.
Upon Refined Sugar in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified, and thoroughly dried in the Stove, and being of an uniform Whiteness throughout; and upon such Sugar pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers and at the Expense of the Exporter, and upon Candy, for every Cwt. - - - -	0	12	10
Upon Refined Sugar unstoved, pounded, crushed, or broken, and not in anyway inferior to the Export Standard Sample, No. 1., approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt. - - - -	0	12	2

And on and after the *Twenty-first Day of April One thousand eight hundred and sixty-four:*

	£	s.	d.
Upon Sugar refined by the Centrifugal or by any other Process, and not in anyway inferior to the Export Standard, No. 3., approved by the Lords of the Treasury, for every Cwt. - -	0	12	10
Upon Bastard or Refined Sugar unstoved, broken in Pieces, or being ground, powdered, or crushed, not in anyway inferior to the Export Standard Sample, No. 2., approved by the Lords of the Treasury, for every Cwt. - - -	0	10	10
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in anyway inferior to the Export Standard Sample, No. 4., approved by the Lords of the Treasury, for every Cwt. - - -	0	9	6
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample, No. 4., for every Cwt. - -	0	8	2

In

In lieu of the Duties of Customs now charged on the under-mentioned Articles on their Importation into Great Britain or Ireland, the following Duties of Customs shall be charged on and after the *First Day of August One thousand eight hundred and sixty-four;* that is to say,

		£	s.	d.
Wheat, Barley, Oats, Rye, Peas, Beans, Maize or Indian Corn, Buckwheat, Bear or Bigg	the Cwt.	0	0	3

The Duties of Customs now charged on Tea shall continue to be levied and charged,—

On and after the First Day of August One thousand eight hundred and sixty-four until the *First Day of August One thousand eight hundred and sixty-five,* on Importation into Great Britain or Ireland; that is to say,

		£	s.	d.
Tea	the lb.	0	1	0

SCHEDULE (B.)

Containing the Duties of Excise granted by this Act; that is to say,

On Sugar made in the United Kingdom on and after the *Sixteenth Day of April One thousand eight hundred and sixty-four,* in lieu of the Duties of Excise now chargeable thereon; (that is to say,)

		£	s.	d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, and Manufactures of Refined Sugar	the Cwt.	0	12	10
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined	the Cwt.	0	11	8
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed	the Cwt.	0	10	6
Brown Muscovado Sugar, or Sugar rendered by any Process equal in Quality thereto, and not equal to Yellow Muscovado or Brown Clayed	the Cwt.	0	9	4
Any other Sugar not equal in Quality to Brown Muscovado	the Cwt.	0	8	2
Molasses	the Cwt.	0	3	6

On Sugar used in Brewing: £ s. d.

For and upon every Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight, of all Sugar which on or after the *Sixteenth Day of April One thousand eight hundred and sixty-four* shall be used by any Brewer of Beer for Sale in the brewing or making of Beer - - - - - - *0 3 4*

In lieu of the Duty of Excise on such last-mentioned Sugar granted by any former Act.

On Licences to sell Tea, &c.: £ s. d.

For and upon any Licence to be taken out yearly by any Person to trade in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper in any House rated to the Relief of the Poor at a Sum less than Eight Pounds per Annum, and not being within the Limits of a Municipal or Parliamentary Borough, the Duty of - - - *0 2 6*

In lieu of the Duty of Excise now payable upon such Licence.

On Occasional Licences to Refreshment House Keepers, Wine Retailers, Beer Retailers, and Tobacco Dealers; (that is to say,)

For and upon every Occasional Licence to the Keeper of a Refreshment House, for each and every Day for which such Licence shall be granted - - - - - £ s. d. Nil.

For and upon every Occasional Licence to retail Foreign Wine to be consumed at the Place where sold, for each and every Day for which the same shall be granted - - *0 1 0*

For and upon every Occasional Licence to retail Beer to be consumed at the Place where sold, for each and every Day for which the same shall be granted - - - *0 1 0*

For and upon every Occasional Licence to deal in or sell Tobacco or Snuff, for each and every Day for which the same shall be granted - - - - *0 0 4*

On Licences to Hawkers and Pedlars:

For and upon any Licence to be taken out on or after the *First Day of August One thousand eight hundred and sixty-four*, by every Hawker, Pedlar, Petty Chapman, and every other trading Person going from Town to Town, or to other Men's Houses, and travelling either on Foot or otherwise, in Great Britain, carrying to sell or exposing to Sale any Goods, Wares, or Merchandise,

If such trading Person as aforesaid shall travel and trade on Foot, without any Horse or other Beast bearing or drawing Burthen, and shall carry his Goods, Wares, or Merchandise to and sell or expose for Sale the same at other Men's Houses only, and not in or at any House, Shop, Room, Booth, Stall, or other Place whatever belonging to or hired or occupied or used by him for that Purpose in any Town to which he may travel, the yearly Duty of - - £ s. d. *2 0 0*

And if such trading Person shall travel or trade otherwise than as aforesaid, or with a Horse or other Beast bearing or drawing Burthen, the yearly Duty of - - - *4 0 0*

And

	£	s.	d.
And if such trading Person shall travel or trade with more than One Horse or other Beast bearing or drawing Burthen, then for each and every Horse or other Beast with which he shall so travel the yearly Duty of - - - -	4	0	0

In lieu of the Duties now chargeable on Licences to Hawkers and Pedlars in Great Britain.

SCHEDULE (C.)

Containing the DUTIES of STAMPS granted by this Act in lieu of the Stamp Duties now chargeable on the several Instruments, Matters, and Things in this Schedule mentioned.

Letters or Powers of Attorney, Proxies, &c.; (that is to say,)

For and upon any Letter or Power of Attorney:

For the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds:

	£	s.	d.
If the Value of such Stocks or Funds shall exceed *20l.* -	1	0	0
And if such Value shall not exceed *20l.* - - -	0	5	0

For the Receipt of Dividends or Interest of any of the Government or Parliamentary Stocks or Funds, or of the Stocks, Funds, or Shares of or in any Joint Stock Company or other Company or Society whose Stocks or Funds are divided into Shares and transferable:

	£	s.	d.
If the same shall be for the Receipt of One Payment only -	0	1	0
And if the same shall be for a continuous Receipt or for the Receipt of more than One Payment - - -	0	5	0

For the Receipt of any Sum of Money, or any Cheque, Note, or Draft for any Sum of Money, not exceeding *20l.* (except in the Cases aforesaid), or any periodical Payment (other than as aforesaid), not exceeding the annual Sum of *10l.* - - 0 5 0

Letter or Power of Attorney, Commission, Factory, Mandate, or other Instrument in the Nature thereof:

	£	s.	d.
For the sole Purpose of appointing, nominating, or authorizing any Person to vote as a Proxy or otherwise at any One Meeting of the Proprietors or Shareholders of any Joint Stock or other Company, or of the Members of any Society or Institution, or of the Contributors to the Funds thereof, in the United Kingdom, or to vote at any One Parish Meeting of Heritors or Proprietors of Real or Heritable Property in Scotland - - - - - -	0	0	1

Voting Paper; (that is to say,)

Any Instrument for the Purpose of voting by any Person entitled to vote at any such Meeting as aforesaid in any Part of the United Kingdom - - - - - -	0	0	1

For and upon any Letter or Power of Attorney made by any Petty Officer, Seaman, Marine, or Soldier serving as a Marine, or by the Executors or Administrators of any such Person—

	£	s.	d.
For receiving Prize Money - - - - -	0	1	0
For receiving Wages - - - - -	1	0	0

For and upon any Letter or Power of Attorney of any other Kind or Commission or Factory in the Nature thereof - 1 10 0

Exemptions.

Any Letter of Attorney for the Receipt of Dividends of any definite and certain Share of the Government or Parliamentary Stocks or Funds producing a yearly Dividend of less than 3*l.*

Any Letter or Power of Attorney or Proxy filed in any Ecclesiastical Court.

Appointments to Ecclesiastical Benefices, &c.

For and upon any Donation or Presentation, by whomsoever made, of or to any Ecclesiastical Benefice, Dignity, or Promotion:

Also for and upon any Collation by any Archbishop or Bishop or by any other ordinary or competent Authority to any Ecclesiastical Benefice, Dignity, or Promotion:

Also for and upon any Institution granted by any Archbishop, Bishop, Chancellor, or other Ordinary, or by any Ecclesiastical Court, to any Ecclesiastical Benefice, Dignity, or Promotion, proceeding upon the Petition of the Patron to be himself admitted and instituted, and not upon a Presentation:

Also for and upon any Nomination by Her Majesty, Her Heirs or Successors, or by any other Patron, to any Perpetual Curacy:

Also for and upon any Licence to hold a Perpetual Curacy not proceeding upon a Nomination:

Where the net yearly Value of any such Benefice, Dignity, Promotion, or Perpetual Curacy—

	£	s.	d.
Shall amount to 50*l.* and not amount to 100*l.* -	1	0	0
„ 100*l.* „ 150*l.* -	2	0	0
„ 150*l.* „ 200*l.* -	3	0	0
„ 200*l.* „ 250*l.* -	4	0	0
„ 250*l.* „ 300*l.* -	5	0	0
And where such Value shall amount to 300*l.* or upwards	7	0	0
And also for every 100*l.* thereof over and above the first 200*l.* a further Duty of - - - - -	5	0	0

Note.—The yearly Value of such Benefice, Dignity, Promotion, or Perpetual Curacy in any and every of the Cases aforesaid to be ascertained and determined by the Certificate of the Ecclesiastical Commissioners for England and Ireland respectively, to be written on the Instrument charged with Duty; provided always, that Two or more Benefices episcopally or permanently united shall be deemed One Benefice only.

Also

	£	s.	d.
Also for and upon any Collation or Appointment by any Archbishop or Bishop to any Cathedral, Prebend, Dignity, or Honorary Canonry having no Endowment or Emolument attached thereto - - - - - - - -	2	0	0
Also for and upon any Collation, Institution, or Admission by any Presbytery or other competent Authority to any Ecclesiastical Benefice in Scotland - - - -	2	0	0

Exemptions.

1. Any Institution proceeding upon a Presentation.
2. Any Licence to hold a Perpetual Curacy proceeding upon a Nomination.

SCHEDULE (D.)

Containing the Rates and Duties of Income Tax granted by this Act.

For One Year commencing on the *Sixth Day of April One thousand eight hundred and sixty-four*, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties; (that is to say,)

For every *Twenty Shillings* of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of *Sixpence.*

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every *Twenty Shillings* of the annual Value thereof —

In England the Rate or Duty of *Threepence:*

And in Scotland and Ireland respectively the Rate or Duty of *Twopence Farthing:*

Subject to the Provisions contained in Section Three of an Act passed in the last Session of Parliament, Chapter Twenty-two, for the Exemption of Persons whose whole Income from every Source is under *One hundred Pounds* a Year, and the Relief of those whose Income is under *Two hundred Pounds* a Year,

Customs and Inland Revenue.

A

B I L L

To grant certain Duties of Customs and Inland Revenue.

(*Prepared and brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 19 *April* 1864.

[Bill 73.]

Under 2 oz.

Customs and Inland Revenue Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Grant of Duties specified in Schedules annexed; Sect. 1.
Provisions of former Acts to apply to this Act; 2.

Customs.

Commissioners of Customs to provide Standard Samples of Sugar for assessing Duty; 3.
Clause A.—Repeal of Sect. 4. of 18 & 19 Vict. c. 97.; 4.

Excise Licences.

Occasional Licence may be granted to Refreshment House Keepers, Wine Retailers, Beer Retailers, and Tobacco Dealers; 5.
Tea Licence at reduced Rate to be granted only on Overseer's Certificate of Rating; 6.
Penalty on Overseer refusing to grant Certificate; 7.
Half-yearly Licences may be granted to Hawkers; 8.

Stamp Duties.

Clause B.—Definition of Stock in Trade; 9.
Clause C.—Property insured subject to the reduced Rate of Duty to be distinguished in the Policy and also in the Quarterly Accounts; Property and Sums insured may be distinguished by Memorandum on existing Policies; 10.
Ad valorem Stamp Duties on Settlements on what chargeable; 11.
Settlement of Sums of Money secured by Bonds, Debentures, and other Securities chargeable; 12.
The Value of Shares in Stocks and Funds and of Sums secured by Foreign or Colonial Securities, and of Sums expressed in Foreign or Colonial Currency, how ascertained and determined; 13.
Provisions and Regulations relating to Proxies to apply to Voting Papers; 14.

Income Tax.

Income Tax to be deducted from Rent, Interest, &c. at the Rate payable during the Period when the same was accruing; 15.
Schedules.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Grant certain Duties of Customs and Inland Revenue.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Duties specified in Schedules annexed.

1. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, the several Rates and Duties of Customs, Excise, Stamps, and Income Tax respectively specified and contained in the several Schedules marked respectively (A.), (B.), (C.), and (D.) to this Act annexed, and there shall be allowed the several Drawbacks specified and contained in the said Schedule (A.); and the said Rates, Duties, and Drawbacks shall respectively take effect at or from the respective Times, and shall continue to be charged, collected, paid, and allowed for and during the Periods

respectively specified or mentioned in that Behalf in this Act or in the said Schedules, and where no Time is so specified for the Commencement thereof the same shall commence and take effect from and after the passing of this Act, and where no Period is so specified or limited for the Duration thereof the same shall continue to be charged, collected, paid, and allowed respectively until Parliament shall otherwise order; and the said several Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to this Act.

2. All the Powers, Provisions, Clauses, Regulations, Allowances, and Exemptions, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties or Drawbacks of the same Kind or Description as the several Rates or Duties or Drawbacks granted and allowed by this Act respectively, and in force at the Time of the passing of this Act, and not hereby expressly repealed, or, as regards the Income Tax, in force on the Fifth Day of April One thousand eight hundred and sixty-four (except as herein-after provided), shall respectively be in full Force and Effect with respect to the said Rates, Duties, and Drawbacks by this Act granted and allowed respectively, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said last-mentioned Rates and Duties, and the Allowance and Payment of the said Drawbacks respectively, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, mutatis mutandis, with reference to the Rates, Duties, and Drawbacks by this Act granted and allowed respectively: Provided always, that nothing herein contained shall be construed to continue or revive the Provisions contained in the Forty-second and Forty-fourth Sections of the Act passed in the Twenty-fifth Year of Her Majesty's Reign, Chapter Twenty-two; and that for the Purposes of this Act the Year One thousand eight hundred and sixty-two, mentioned in the Forty-third Section of the said Act, shall be read as and deemed to mean the Year One thousand eight hundred and sixty-four.

Customs.

Commissioners of Customs to provide Standard Samples of Sugar for assessing Duty.

3. For facilitating the due Assessment of the Duties on Sugar, with reference to Colour, Grain, or Saccharine Matter, considered collectively as they affect the general Quality of the Sugar to be assessed with Duty, the Commissioners of Customs shall provide and renew from Time to Time One or more Sample or Samples of each

each of the respective Qualities, according to which Sugar may be chargeable with Duty upon Importation into Great Britain or Ireland, such Samples to be approved by the Lords Commissioners of Her Majesty's Treasury, and when so approved shall be deemed to be Standard Samples for the Purpose of assessing the Duty upon Sugar, according as it may be equal to any of such Samples on Comparison therewith by the proper Officer of Customs; and no Sugar shall be chargeable with the Duty payable in respect of any particular Quality or Description for which a Sample is provided as aforesaid unless the same shall be equal to such Sample.

CLAUSE A.
Repeal of Sect. 4. of 18 & 19 Vict. c. 97.

4. Section Four of the Act of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, shall be and the same is hereby repealed.

Excise Licences.

Occasional Licence may be granted to Refreshment House Keepers, Wine Retailers, Beer Retailers, and Tobacco Dealers.

5. It shall be lawful for the Commissioners of Inland Revenue, whenever they shall consider it necessary for the Accommodation of the Public, to authorize any Officer of Excise to grant (upon Payment of the respective Duties in that Behalf mentioned in Schedule (B.) to this Act) an Occasional Licence in the several and respective Cases herein-after mentioned; (that is to say,) to any Person who shall have taken out an Excise Licence under the Acts passed in the Twenty-third Year of the Reign of Her Majesty, Chapter Twenty-seven, and the Twenty-third and Twenty-fourth Years of the same Reign, Chapter One hundred and seven, respectively, to keep a Refreshment House, or to sell by Retail in a Refreshment House Foreign Wine to be consumed therein, or an Excise Licence under the Act passed in the Fourth and Fifth Years of the Reign of King William the Fourth, Chapter Eighty-five, to retail Beer to be drunk or consumed in or upon the House or Premises where sold, or an Excise Licence under the Act passed in the Sixth Year of the Reign of King George the Fourth, Chapter Eighty-one, to deal in or sell Tobacco or Snuff; and every such Occasional Licence shall authorize any such Person as aforesaid to exercise and carry on the same Trade and Business as he shall be authorized to carry on by virtue of the Licence granted under the said Acts respectively as aforesaid at any such Place (other than the Place for which his original Licence was granted), and for and during such Space or Period of Time, not exceeding Three consecutive Days at any One Time, as the said Commissioners shall approve, and as shall be specified in such Occasional Licence; provided that the said Occasional Licence shall not protect any such Person in the carrying on of any such Trade or Business as aforesaid unless he shall

produce such Licence whenever requested so to do by any Officer of Excise, or by any Constable or Police Officer, at the Time of exercising such Trade or Business.

Tea Licence at reduced Rate to be granted only on Overseer's Certificate of Rating.

6. No Licence to Trade in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper at the reduced Duty imposed by this Act on such Licence shall be granted to any Person who shall not produce, at the Time of applying for such Licence, to the Officers of Excise authorized to grant the same, a Certificate in Writing, signed in England and Wales by an Overseer of the Poor, or in Scotland by an Inspector of the Poor, of the Parish, Township, or Place, or in Ireland by the Clerk of the Poor Law Union, in which Parish, Township, Place, or Union the House intended to be licensed is situated, certifying the Sum at which the said House is rated to the last Rate made for the Relief of the Poor of such Parish, Township, Place, or Union; provided that where in Scotland the House intended to be licensed is not separately rated to the Poor on the Ground of being let at a Rent not amounting to Four Pounds per Annum, such Licence shall be granted upon a Certificate signed by such Inspector of the Poor, certifying that such House is not so rated on the Ground aforesaid; and any such Licence which shall be granted without the Certificate aforesaid, or upon a Certificate which shall be false in any Particular, shall be absolutely void; and no such Licence at the reduced Rate aforesaid shall authorize the Sale of any of the Articles mentioned therein at any other Place than the House for which such Licence shall be granted, anything in any Act to the contrary notwithstanding.

Penalty on Overseer refusing to grant Certificate.

7. If any Overseer of the Poor, Inspector of the Poor, or Clerk of a Poor Law Union shall refuse to grant, when demanded, a Certificate containing the Particulars required by the preceding Section, or shall grant a Certificate which shall be false or untrue in any Particular, he shall forfeit Ten Pounds.

Half-yearly Licences may be granted to Hawkers.

8. Any Licence to be taken out by a Hawker, Pedlar, or Petty Chapman in Great Britain may be granted for a Period not exceeding Six Months, on Payment of One Half only of the Amount payable for a yearly Licence; provided that any such half-yearly Licence shall continue in force until and upon the Thirty-first Day of January or the Thirty-first Day of July, as the Case may be, next following the Date thereof, and no longer.

Clause B. Definition of Stock in Trade.

9. For the Purposes of this Act with respect to the Duty on Insurances against Loss or Damage by Fire, "Stock in Trade" shall be understood and deemed to mean Goods, Wares, and Merchandise in

in the Possession of the Manufacturer thereof for Sale, or in the Possession of any Trader for Sale in the course of his Trade, or in the Possession of any Person on behalf of such Manufacturer or Trader, or in the Possession of a licensed Pawnbroker, being Goods received by him in Pledge.

CLAUSE C. Property insured subject to the reduced Rate of Duty to be distinguished in the Policy and also in the Quarterly Accounts.

10. In every Policy by which any Insurance from Loss or Damage by Fire shall be made or renewed upon any Stock in Trade, Machinery, Implements, or Utensils subject to the reduced Rate of yearly Per-centage Duty by this Act imposed, such Stock in Trade, Machinery, Implements, and Utensils, and the Sum or Sums insured thereon, shall be specified and set forth separately from all other Property on which any Insurance shall be made by the same Policy, and the Quarterly Accounts required by Law to be kept and rendered by Persons, Corporations, and Companies insuring against Fire shall contain a separate and distinct Account of all such Insurances as aforesaid, and of the Sums insured thereby respectively, and all other Particulars relating thereto required by Law to be specified or contained in such Quarterly Accounts: Provided, that where in any Policy existing at the Time of the passing of this Act Property insured subject to the said reduced Rate of Duty shall not be separately and distinctly specified as herein required, it shall be lawful to distinguish the same and the Sum or Sums insured thereon by any Memorandum to be written or endorsed in or upon such Policy.

Property and Sums insured may be distinguished by Memorandum on existing Policies.

Stamp Duties.

Preamble. 13 & 14 Vict. c. 97.

11. Whereas by an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Ninety-seven, certain ad valorem Stamp Duties were granted and made payable under the Head of "Settlement" in the Schedule thereto in respect of any definite and certain Principal Sum or Sums of Money, and any definite and certain Share or Shares in any of the Government or Parliamentary Stocks or Funds, or in the Stocks and Funds of the Governor and Company of the Bank of England or of the Bank of Ireland, or of the East India Company, or of the South Sea Company, or of any other Company or Corporation: And whereas it is expedient to explain and amend the said Act as herein-after mentioned: Be it enacted, That the said Duties so granted and made payable as last aforesaid shall be deemed to extend to and shall be chargeable upon or in respect of any definite and certain Principal Sum or Sums of Money of any Denomination or Currency, whether British, Foreign, or Colonial, and any definite and certain Share or Shares in the Stocks or Funds of any Foreign or Colonial Government, State, Corporation, or Company whatsoever, as well as

Ad valorem Stamp Duties on Settlements on what chargeable.

upon or in respect of the Shares, Stocks, and Funds specified in the said last-mentioned Schedule.

Settlement of Sums of Money secured by Bonds, Debentures, and other Securities chargeable.

12. And where any Principal Sum of Money secured or contracted for by or which may become due or payable upon any Bond, Debenture, Policy of Insurance, Covenant, or Contract shall be settled or agreed to be settled, or such Bond, Debenture, Policy, Covenant, or Contract shall be settled, or assigned or transferred by way of Settlement, or shall be agreed so to be, then and in any of such Cases the same shall be deemed to be a Settlement of such Principal Sum of Money, and shall be chargeable with the said ad valorem Stamp Duties on the Amount thereof accordingly: Provided always, that where the Subject of any Settlement shall be a Policy of Insurance, then, if there shall not be any certain Covenant, Contract, or Provision made for keeping up such Policy, or for paying the Premiums which may become payable in that Behalf, the said ad valorem Duty shall be chargeable only on the Value of such Policy at the Date of such Settlement.

The Value of Shares in Stocks and Funds, and of Sums secured by Foreign or Colonial Securities, and of Sums expressed in Foreign or Colonial Currency, how ascertained and determined.

13. And where the Subject of any Settlement chargeable with the said Duties shall be any Share or Shares in any such Stocks or Funds as aforesaid, or any Sum or Sums of Money secured by any Foreign or Colonial Bond, Debenture, or other Security bearing a marketable Value in the English Market, then the Value of such Share or Shares, and of such Bond, Debenture, or other Security respectively, shall be ascertained and determined by the average selling Price thereof on the Day or on either of the Ten Days preceding the Day of the Date of the Deed or Instrument of Settlement, or if no Sale shall have taken place within such Ten Days then according to the average selling Price thereof on the Day of the last preceding Sale, and the said ad valorem Duties shall be chargeable on such Settlement in respect of the Value so ascertained and determined; and the Value of any Sum or Sums of Money expressed in Coin of a Foreign or Colonial Denomination or Currency shall be determined by the current Rate of Exchange on the Day of the Date of the Deed or Instrument of Settlement, and the said ad valorem Duties shall be chargeable in respect of the Value so determined as last aforesaid.

Provisions and Regulations relating to Proxies to apply to Voting Papers.

14. The Stamp Duty by this Act imposed on a Voting Paper as described in Schedule (C.) to this Act may be denoted by an adhesive Stamp, in like Manner as the Stamp Duty on an Instrument appointing a Proxy; and all Provisions and Regulations relating to the Particulars to be inserted in such last-mentioned Instrument, or to the cancelling or obliterating an adhesive Stamp affixed

affixed thereto, and all Penalties for any Neglect or Omission to comply with any such Provisions or Regulations, or for making or signing any such Instrument on Paper not duly stamped, or for voting or attempting to vote under any such Instrument not duly stamped, shall be deemed to apply and shall be observed and enforced, mutatis mutandis, in relation to any such Voting Paper as aforesaid.

Income Tax.

15. And whereas under and by virtue of the Fortieth Section of the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, Persons liable to the Payment of Rent, yearly Interest, or any Annuity or other annual Payment therein mentioned, are entitled and authorized on making such Payment to deduct and retain thereout the Amount of the Rate of Income Tax which shall be payable at the Time when such Payment becomes due: Be it enacted, That the Persons liable to and making any such Payment as aforesaid shall be entitled and are hereby authorized to deduct and retain thereout the Amount of the Rate or a proportionate Amount of the several Rates of Income Tax which were chargeable by Law upon or in respect of such Rent, Interest, Annuity, or other annual Payment, or the Source thereof, during the Period through which the same was accruing due, anything in the said recited Act to the contrary notwithstanding. 16 & 17 Vict. c. 34. s. 40.

Income Tax to be deducted from Rent, Interest, &c. at the Rate payable during the Period when the same was accruing.

SCHEDULES.

SCHEDULE (A.)

Containing the RATES and DUTIES of CUSTOMS granted and the DRAWBACKS allowed on the following Articles by this Act.

On and after the under-mentioned Dates, in lieu of the Duties of Customs now charged on the Articles under mentioned, the following Duties of Customs shall be charged thereon, on Importation into Great Britain or Ireland; that is to say,

On and after the Fifth Day of May One thousand eight hundred and sixty-four:

	£	s.	d.
Sugar, viz.:			
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, and Manufactures of Refined Sugar - - - - the Cwt.	0	12	10

On and after the Sixteenth Day of April One thousand eight hundred and sixty-four:

	£	s.	d.
Sugar, viz.:			
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined - - - - the Cwt.	0	11	8
Yellow Muscovado, and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - - - - the Cwt.	0	10	6
Brown Muscovado Sugar, or Sugar rendered by any Process equal in Quality thereto, and not equal to Yellow Muscovado or Brown Clayed - - - the Cwt.	0	9	4
Any other Sugar not equal in Quality to Brown Muscovado - - - - - the Cwt.	0	8	2
Cane Juice - - - - the Cwt.	0	6	7
Molasses - - - - - the Cwt.	0	3	6
Almonds, Paste of - - - - the lb.	0	0	1
Cherries, dried - - - - the lb.	0	0	1
Comfits, dry - - - - the lb.	0	0	1
Confectionery, not otherwise enumerated - - the lb.	0	0	1

	£	s.	d.
Ginger (Preserved) - - - - the lb.	0	0	1
Marmalade - - - - - the lb.	0	0	1
Plums preserved in Sugar - - - - the lb.	0	0	1
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated - - the lb.	0	0	1

On and after the under-mentioned Dates, in lieu of the Drawbacks now allowed thereon, the following Drawbacks shall be paid and allowed on the under-mentioned Descriptions of Refined Sugar on the Exportation thereof to Foreign Parts, or on Removal to the Isle of Man for Consumption there, or on Deposit in any approved Warehouse, upon such Terms and subject to such Regulations as the Commissioners of Customs may direct, for Delivery from such Warehouse as Ships Stores only, or for the Purpose of sweetening British Spirits in Bond; that is to say,

On and after the Fifth Day of May One thousand eight hundred and sixty-four:

	£	s.	d.
Upon Refined Sugar in Loaf, complete and whole, or Lumps duly refined, having been perfectly clarified, and thoroughly dried in the Stove, and being of an uniform Whiteness throughout; and upon such Sugar pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers and at the Expense of the Exporter, and upon Candy, for every Cwt. - - - - -	0	12	10
Upon Refined Sugar unstoved, pounded, crushed, or broken, and not in anyway inferior to the Export Standard Sample, No. 1., approved by the ords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt. - - - - -	0	12	2

And on and after the Twenty-first Day of April One thousand eight hundred and sixty-four:

	£	s.	d.
Upon Sugar refined by the Centrifugal or by any other Process, and not in anyway inferior to the Export Standard, No. 3., approved by the Lords of the Treasury, for every Cwt. - -	0	12	10
Upon Bastard or Refined Sugar unstoved, broken in Pieces, or being ground, powdered, or crushed, not in anyway inferior to the Export Standard Sample, No. 2., approved by the Lords of the Treasury, for every Cwt. - - - -	0	10	10
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in anyway inferior to the Export Standard Sample, No. 4., approved by the Lords of the Treasury, for every Cwt. - - - -	0	9	6
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample, No. 4., for every Cwt. - -	0	8	2

In lieu of the Duties of Customs now charged on the under-mentioned Articles on their Importation into Great Britain or Ireland, the following Duties of Customs shall be charged on and after the First Day of September One thousand eight hundred and sixty-four; that is to say,

		£	s.	d.
Wheat Barley Oats Rye Peas Beans Maize or Indian Corn Buckwheat Bear or Bigg	the Cwt.	0	0	3

The Duties of Customs now charged on Tea shall continue to be levied and charged,—

On and after the First Day of August One thousand eight hundred and sixty-four until the First Day of August One thousand eight hundred and sixty-five, on Importation into Great Britain or Ireland; that is to say,

		£	s.	d.
Tea	the lb.	0	1	0

SCHEDULE (B.)

Containing the Duties of Excise granted by this Act; that is to say,

On Sugar made in the United Kingdom on and after the Sixteenth Day of April One thousand eight hundred and sixty-four, in lieu of the Duties of Excise now chargeable thereon; (that is to say,)

		£	s.	d.
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, and Manufactures of Refined Sugar	the Cwt.	0	12	10
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined	the Cwt.	0	11	8
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed	the Cwt.	0	10	6
Brown Muscovado Sugar, or Sugar rendered by any Process equal in Quality thereto, and not equal to Yellow Muscovado or Brown Clayed	the Cwt.	0	9	4
Any other Sugar not equal in Quality to Brown Muscovado	the Cwt.	0	8	2
Molasses	the Cwt.	0	3	6

On Sugar used in Brewing: £ s. d.

For and upon every Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight, of all Sugar which on or after the Sixteenth Day of April One thousand eight hundred and sixty-four shall be used by any Brewer of Beer for Sale in the brewing or making of Beer - - - - - - - - - - - - 0 3 4

In lieu of the Duty of Excise on such last-mentioned Sugar granted by any former Act.

On Licences to sell Tea, &c.: £ s. d.

For and upon any Licence to be taken out yearly by any Person to trade in or sell Coffee, Tea, Cocoa Nuts, Chocolate, or Pepper in any House rated to the Relief of the Poor at a Sum less than Eight Pounds per Annum, the Duty of - - - - - - - - - - 0 2 6

In lieu of the Duty of Excise now payable upon such Licence.

On Occasional Licences to Refreshment House Keepers, Wine Retailers, Beer Retailers, and Tobacco Dealers; (that is to say,)

For and upon every Occasional Licence to the Keeper of a Refreshment House, for each and every Day for which such Licence shall be granted - - - - - - - - - - Nil. £ s. d.

For and upon every Occasional Licence to retail Foreign Wine to be consumed at the Place where sold, for each and every Day for which the same shall be granted - - - - 0 1 0

For and upon every Occasional Licence to retail Beer to be consumed at the Place where sold, for each and every Day for which the same shall be granted - - - - - - - - 0 1 0

For and upon every Occasional Licence to deal in or sell Tobacco or Snuff, for each and every Day for which the same shall be granted - - - - - - - - - 0 0 4

On Licences to Hawkers and Pedlars:

For and upon any Licence to be taken out on or after the First Day of August One thousand eight hundred and sixty-four, by every Hawker, Pedlar, Petty Chapman, and every other trading Person going from Town to Town, or to other Men's Houses, and travelling either on Foot or otherwise, in Great Britain, carrying to sell or exposing to Sale any Goods, Wares, or Merchandise,

If such trading Person as aforesaid shall travel and trade on Foot, without any Horse or other Beast bearing or drawing Burthen, and shall carry his Goods, Wares, or Merchandise to and sell or expose for Sale the same at other Men's Houses only, and not in or at any House, Shop, Room, Booth, Stall, or other Place whatever belonging to or hired or occupied or used by him for that Purpose in any Town to which he may travel, the yearly Duty of - - - - - 2 0 0 £ s. d.

And if such trading Person shall travel or trade otherwise than as aforesaid, or with a Horse or other Beast bearing or drawing Burthen, the yearly Duty of - - - - - 4 0 0

	£	s.	d.
And if such trading Person shall travel or trade with more than One Horse or other Beast bearing or drawing Burthen, then for each and every Horse or other Beast with which he shall so travel the yearly Duty of - - - - - -	4	0	0

In lieu of the Duties now chargeable on Licences to Hawkers and Pedlars in Great Britain.

And the trading Persons described in the Ninth Section of the Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign, Chapter Twenty-one, shall be deemed to be Hawkers and Pedlars subject to the Duties herein contained.

SCHEDULE (C.)

Containing the DUTIES of STAMPS granted by this Act in lieu of the Stamp Duties now chargeable on the several Instruments, Matters, and Things in this Schedule mentioned.

In lieu of the yearly Per-centage Duty now chargeable for or in respect of any Insurance from Loss or Damage by Fire only, which shall be made or renewed on or after the Twenty-fifth Day of June One thousand eight hundred and sixty-four of or upon any Goods, Wares, or Merchandise, being Stock in Trade, or of or upon any Machinery, Fixtures, Implements, or Utensils used for the Purpose of any Manufacture or Trade, there shall be charged and paid yearly a Duty at and after the Rate of One Shilling and Sixpence per Annum for every One hundred Pounds insured; and when any such Insurance as aforesaid shall be made or renewed at any Time between the Twenty-second Day of April One thousand eight hundred and sixty-four and the said Twenty-fifth Day of June, for any Period of Time extending beyond the said last-mentioned Day, there shall be charged and paid for and in respect of the Time intervening between the making or renewing of the said Insurance and the said Twenty-fifth Day of June, the yearly Per-centage Duty at and after the Rate chargeable on the said Twenty-second Day of April, and for and in respect of any subsequent Period, including the said Twenty-fifth Day of June, the Rate of Duty chargeable according to this Resolution; and no Return or Allowance of Duty, except at and after the last-mentioned Rate, shall be made in respect of Time unexpired, or otherwise, on any such Insurance as aforesaid which shall have been made or renewed before the said Twenty-second Day of April One thousand eight hundred and sixty-four.

Letters or Powers of Attorney, Proxies, &c.; (that is to say,)

For and upon any Letter or Power of Attorney:

For the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds:

	£	s.	d.
If the Value of such Stocks or Funds shall exceed 20*l.* -	1	0	0
And if such Value shall not exceed 20*l.* - - -	0	5	0

For the Receipt of Dividends or Interest of any of the Government or Parliamentary Stocks or Funds, or of the Stocks, Funds, or Shares of or in any Joint Stock Company or other Company or Society whose Stocks or Funds are divided into Shares and transferable:

	£	*s.*	*d.*
If the same shall be for the Receipt of One Payment only -	0	1	0
And if the same shall be for a continuous Receipt or for the Receipt of more than One Payment - - - - -	0	5	0

For the Receipt of any Sum of Money, or any Cheque, Note, or Draft for any Sum of Money, not exceeding 20*l.* (except in the Cases aforesaid), or any periodical Payment (other than as aforesaid), not exceeding the annual Sum of 10*l.* - - 0 5 0

Letter or Power of Attorney, Commission, Factory, Mandate, or other Instrument in the Nature thereof:

	£	*s.*	*d.*
For the sole Purpose of appointing, nominating, or authorizing any Person to vote as a Proxy or otherwise at One Meeting of the Proprietors or Shareholders of any Joint Stock or other Company, or of the Members of any Society or Institution, or of the Contributors to the Funds thereof, or at One Meeting of any Body exercising a public Trust, in the United Kingdom, or to vote at One Parish Meeting of Heritors or Proprietors of Real or Heritable Property in Scotland -	0	0	1

Voting Paper; (that is to say,)

Any Instrument for the Purpose of voting by any Person entitled to vote at any such Meeting as aforesaid in any Part of the United Kingdom - - - - - -	0	0	1

For and upon any Letter or Power of Attorney made by any Petty Officer, Seaman, Marine, or Soldier serving as a Marine, or by the Executors or Administrators of any such Person—

	£	*s.*	*d.*
For receiving Prize Money - - - -	0	1	0
For receiving Wages - - - - -	1	0	0

For and upon any Letter or Power of Attorney of any other Kind or Commission or Factory in the Nature thereof - 1 10 0

Exemptions.

Any Letter of Attorney for the Receipt of Dividends of any definite and certain Share of the Government or Parliamentary Stocks or Funds producing a yearly Dividend of less than 3*l.*

Any Letter or Power of Attorney or Proxy filed in any Ecclesiastical Court.

Appointments to Ecclesiastical Benefices, &c.

For and upon any Donation or Presentation, by whomsoever made, of or to any Ecclesiastical Benefice, Dignity, or Promotion:

Also for and upon any Collation by any Archbishop or Bishop or by any other ordinary or competent Authority to any Ecclesiastical Benefice, Dignity, or Promotion:

Also for and upon any Institution granted by any Archbishop, Bishop, Chancellor, or other Ordinary, or by any Ecclesiastical Court, to any Ecclesiastical Benefice, Dignity, or Promotion, proceeding upon the Petition of the Patron to be himself admitted and instituted, and not upon a Presentation:

Also for and upon any Nomination by Her Majesty, Her Heirs or Successors, or by any other Patron, to any Perpetual Curacy:

Also for and upon any Licence to hold a Perpetual Curacy not proceeding upon a Nomination:

Where the net yearly Value of any such Benefice, Dignity, Promotion, or Perpetual Curacy—

	£	s.	d.
Shall amount to 50*l.* and not amount to 100*l.* -	1	0	0
„ 100*l.* „ 150*l.* -	2	0	0
„ 150*l.* „ 200*l.* -	3	0	0
„ 200*l.* „ 250*l.* -	4	0	0
„ 250*l.* „ 300*l.* -	5	0	0
And where such Value shall amount to 300*l.* or upwards	7	0	0
And also for every 100*l.* thereof over and above the first 200*l.* a further Duty of - - - - -	5	0	0

Note.—The yearly Value of such Benefice, Dignity, Promotion, or Perpetual Curacy in any and every of the Cases aforesaid to be ascertained and determined by the Certificate of the Ecclesiastical Commissioners for England and Ireland respectively, to be written on the Instrument charged with Duty; provided always, that Two or more Benefices, or a Benefice and any other Ecclesiastical Preferment, episcopally or permanently united shall be deemed One Benefice only.

	£	s.	d.
Also for and upon any Collation, Institution, or Admission by any Presbytery or other competent Authority to any Ecclesiastical Benefice in Scotland - - - - -	2	0	0

Exemptions.

1. Any Collation or Appointment by any Archbishop or Bishop to any Cathedral, Prebend, Dignity, or Honorary Canonry having no Endowment or Emolument attached thereto.
2. Any Institution proceeding upon a Presentation.
3. Any Licence to hold a Perpetual Curacy proceeding upon a Nomination.

SCHEDULE (D.)

Containing the Rates and Duties of Income Tax granted by this Act.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-four, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth

Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties; (that is to say,)

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Rate or Duty of Sixpence.

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof —

In England the Rate or Duty of Threepence:

And in Scotland and Ireland respectively the Rate or Duty of Twopence Farthing:

Subject to the Provisions contained in Section Three of an Act passed in the last Session of Parliament, Chapter Twenty-two, for the Exemption of Persons whose whole Income from every Source is under One hundred Pounds a Year, and the Relief of those whose Income is under Two hundred Pounds a Year.

Customs and Inland Revenue.

A

B I L L

[AS AMENDED IN COMMITTEE]

To grant certain Duties of Customs and Inland Revenue.

(*Prepared and brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed*, 28 *April* 1864.

[Bill 82.]

Under 3 oz.